

THE
DIPLOMATIC RELATIONS
OF GREAT BRITAIN
AND THE
UNITED STATES

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PREFACE

It is a commonplace to say that a war between Great Britain and the United States would be unnatural, and that it should be abhorrent to the people of both countries. The noteworthy thing is that the same thing was being said over a hundred and forty years ago, from the very moment that the United States became independent. David Hartley, one of the British Commissioners, for making the peace at the end of the War of Independence, wrote from Paris to the Foreign Office: "Upon this argument I always make my stand—that we may proceed to open an intercourse between our two countries, as nearly as possible, to the point of *as we were*." ¹

Hartley recognized that there were many grounds for the continuance of friction, many unsettled questions, between Great Britain and the newly freed United States. But he held that these things could be left to be treated with the anodyne of time—"until the national sentiments and dispositions of the two countries towards each other shall have had sufficient scope of time, in a pacific season, to develop and to explain themselves."

It is with this process that the present book deals, the process through which time and mutual forbearance have combined to clear away all obstacles to peaceful intercourse. One by one difficulties have been approached, handled, laid down, taken up again, eventually solved. Hartley was right when he said: "The Americans are an enlightened people. Every actual interest that prevails in America depends upon peace and the arts of peace . . . and above all things a system of war with a British power in America must be abhorrent to them." The last hundred years and more have proved this.

Whether the two peoples will ever go farther than the establishment of cordial, good relations, no historian should be rash enough to predict. George Louis Beer, the first historian to place the relations of Great Britain and America, before the War of

¹ *Foreign Office Archives, America* (F.O. 4), June 2, 1783.

Independence, in the true light, hinted at the end of his fine work that a close union might some day again ensue. At any rate we can say this, quoting the wise words of Peace-Commissioner Hartley : It may be that the Americans will never want an ally, but if they do "it is still in Great Britain ; at least it is certain that in looking around Europe, no other is to be found."

Materials for the study of the diplomatic relations of Great Britain and the United States exist, not merely in published memoirs and similar works, but also in the well-known British Parliamentary Papers, which are issued irregularly, as occasion seems to require, and in the voluminous American State Papers, which are published in Washington annually. The bulk of American diplomatic papers of political importance has always been frankly published by the United States Government since its origin.

In the British Public Record Office there is much material among the papers deposited by the Foreign Office, and still unprinted. This is especially so for the years from 1860 to 1878, of which the documents have only recently been made accessible to the public. Many of these documents are, naturally, of surpassing importance, especially those which refer to any crisis, such as that of the *Trent*. But most of the hundreds of volumes of British diplomatic correspondence concerning the United States since 1783 deal merely with routine affairs, with the day-to-day business of the Chancery of the Legation at Washington. Volume after volume treats of certificates of appointment of consular officials, discharges of British subjects serving in United States regiments, leave of absence to officials of the Legation, extradition of criminals, statistics of American Commerce, distressed seamen, a thousand and one items which make up the difficult, busy and responsible duty of the diplomatist, the small adjustments on which good relations depend, as much as on the more picturesque qualities of tact and prescience by which the great crises are solved.

In addition to the documents at the Public Record Office I have, through the kindness of All Souls' College, been able to use the valuable collection of Vaughan Manuscripts which are the property of the College.

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CHRONOLOGICAL TABLE

<i>Presidents.</i>	<i>U.S.A. Secretaries of State.</i>	<i>Ministers in Britain.</i>
	Robert Livingston (1781-3)	
	[<i>Vacant</i> June, 1783-May, 1784]	
	John Jay (1784-9)	John Adams (1785-8)
George Washington (1789-97)	Thomas Jefferson (1789-94)	[<i>Vacant</i> 1788-91] Gouverneur Morris (1791)
	Edmund Randolph (1794-5)	Thomas Pinckney (1792-6)
	Timothy Pickering (1795-1800)	John Jay (1794-5). <i>Special Mission.</i> Rufus King (1796-1803)
John Adams (1797-1801)	John Marshall (1800-1)	
Thomas Jefferson (1801-9)	James Madison (1801-9)	James Monroe (1803-7) William Pinkney (1803-11)
James Madison (1809-17)	Robert Smith (1809-11)	
	James Monroe (1811-7)	
		[<i>Vacant</i> 1812-4] John Quincy Adams (1815-7)
James Monroe (1817-25)	Richard Rush (1817)	
	John Quincy Adams (1817-25)	Richard Rush (1817-25)
John Quincy Adams (1825-9)	Henry Clay (1825-9)	Rufus King (1825-6) Albert Gallatin (1826-7)
Andrew Jackson (1829-37)	Martin van Buren (1829-31)	James Barbour (1828-9) Louis McLane (1829-31)
	Edward Livingston (1831-3)	Martin van Buren (1831-2)
	Louis McLane (1833-4)	
	John Forsyth (1834-41)	[<i>Vacant</i> 1832-6]
Martin van Buren (1837-41)		Andrew Stevenson (1836-41)
William H. Harrison (1841)	Daniel Webster (1841-3)	Edward Everett (1841-5)
(<i>died April</i>)		
John Tyler (<i>vice-pres.</i>) (1841-5)		
	Abel P. Upshur (1843-4)	
James Knox Polk (1845-9)	John C. Calhoun (1844-5)	
	James Buchanan (1845-9)	Louis McLane (1845-6)
		George Bancroft (1846-9)
Zachary Taylor (1849-50)	John M. Clayton (1849-50)	Abbot Lawrence (1849-53)

OF DIPLOMATIC OFFICERS

<i>Prime Ministers.</i>	GREAT BRITAIN. <i>Foreign Secretaries.</i>	<i>Ministers in U.S.A.</i>
Lord North (1770-82)		
Lord Rockingham (1782)	Charles James Fox (1782)	
Lord Shelburne (1782-3)	Thomas Townshend (1782-3)	
Duke of Portland (1783)	Charles James Fox (1783)	
William Pitt (1784-1801)	Lord Carmarthen (1783-91)	
	Lord Grenville (1791-1801)	George Hammond (1791-5)
		Robert Liston (1796-1800)
		[<i>Vacant</i> 1800-3]
Henry Addington (1801-4)	Lord Hawkesbury (1801-4)	Antony Merry (1803-6)
William Pitt (1804-6)	Lord Harrowby (1804)	
Lord Grenville (1806-7)	Lord Mulgrave (1805-6)	
Duke of Portland (1807-9)	Charles James Fox (1806)	David Montagu Erskine (1806-9)
Spencer Perceval (1809-12)	Lord Grey (1806-7)	F. J. Jackson (1809)
	George Canning (1807-9)	
	Lord Bathurst (1809-10)	Augustus J. Foster (1811-2)
Lord Liverpool (1812-27)	Lord Wellesley (1810-2)	[<i>Vacant</i> 1812-4]
	Lord Castlereagh (1812-22)	Charles Bagot (1815-9)
	George Canning (1822-7)	Stratford Canning (1820-3)
		H. U. Addington (1823-5)
George Canning (1827)	Lord Dudley (1827-8)	Sir Charles Vaughan (1826-35)
Lord Goderich (1827-8)		
Duke of Wellington (1828-30)	Lord Aberdeen (1828-30)	
Lord Grey (1830-4)	Lord Palmerston (1830-41)	
Lord Melbourne (1834)		
Sir Robert Peel (1834-5)		
Lord Melbourne (1835-41)		
		H. S. Fox (1836-44)
Sir Robert Peel (1841-6)	Lord Aberdeen (1841-6)	
		Lord Ashburton (1842). <i>Special Mission</i>
		Sir Richard Pakenham (1844-7)
Lord John Russell (1846-52)	Lord Palmerston (1846-51)	Sir H. Lytton Bulwer (1849-52)

THE DIPLOMATIC RELATIONS OF GREAT BRITAIN AND THE UNITED STATES

CHAPTER I

THE CONNECTING THREADS

§ 1. THE STATE DEPARTMENT AND THE FOREIGN OFFICE

“What alliance can so effectively give strength and permanence to treaties made with Great Britain as the friendship and alliance of Great Britain herself?”¹ This remark was made, not, as might be expected, by a present-day statesman, but by one of the British peace-commissioners when the American colonies had just broken away from Great Britain. And if the alliance which the British peace-commissioner of 1783 thought to be natural and probable has not actually been put into effect, at least his bold suggestion of friendship has in the course of a hundred years come true.

Diplomacy is becoming increasingly important in modern life because the world is getting crowded. In the Middle Ages, civilised States only touched each other in Europe; the other civilised States, in India and China, had no external relations. But the discoveries of Columbus made international relations world-wide. And now all the inhabitable parts of the world are either full, or are becoming full of people; the whole earth has been divided into political areas; and individuals or masses of men jostle against each other from either side of every frontier. It is the task of diplomacy to regulate and smooth over this jostling.

The British Empire and the United States would have relations even if their frontiers never touched. For they are both World-

¹ David Hartley to Sec. of State for Foreign Affairs, June 2, 1783 (F.O. [4] America, 2).

Powers, with world-interests. From the very first, indeed, long before America was a World-Power, British and American relations were considered to be of vital importance in a great European crisis : and this is why the great Napoleon was careful to maintain correspondence with the United States even from the depths of the Lithuanian forests.¹

But they have also a common frontier on the continent of America, the southern frontier of Canada, about 2,800 miles in length, in addition to the Alaskan frontier of about 700 miles. Elsewhere on the continent, where they have no common frontier, their interests meet, in Mexico, in Panama, in South America generally ; and at sea, in the West Indian Islands, and on the Newfoundland fishing-banks. And as David Hartley said in 1783, the British and Americans, being "in vicinity," have a common interest in peace.²

In 1844 the United States made a treaty with China for the opening of five ports.³ From that moment Great Britain and America touched each other in the Far East. The United States in that year became a World-Power, although not in the large sense in which she stepped forth in 1900, as the result of the Spanish-American War. Meanwhile personal ties brought the two peoples into connection. In addition to the great Irish emigrations after 1845, there was a considerable flow to the United States from England, Wales, and especially Scotland. In the middle-class families of Glasgow and Edinburgh, scarce one but possessed cousins or other relatives in the United States.

This personal connection by family relationship is growing weaker, as fewer people migrate from Britain to the United States. In its place a social connection of another kind is growing apace—the community of feeling between the professional and academic classes in both countries, the lawyers, school-teachers, professors and journalists, who meet each other so frequently on one side of the Atlantic or the other. The great "Liners," and the multitude of

¹ See Dispatches of Duc de Bassano, Napoleon's Secretary of State (at Vilna), to French Legation at Washington, during the Moscow campaign, in *Archives du Ministère des Affaires étrangères, Correspondance politique, États-Unis*, tome 67.

² Hartley to Secretary of State for Foreign Affairs, June 2, 1783 (F.O. [4] America, 2).

³ Treaty signed at Wang Hiya, July 3, 1844 : in Malloy, *Treaties, etc., between the United States and other Powers* (1910), I, 196.

lesser ships which without intermission use the sea-lanes to and fro between Great Britain and the United States, are spinning threads between the two countries of which the strength cannot be gauged, but which have infinite possibilities. The leisurely voyage of a ship is not like the swift passage of railway trains across a land-frontier. Associating easily through their common possession of the English tongue, British and Americans, confined within the same bulwarks and in the same cabins for days together, establish mutual relations of cumulative weight as the years roll on.

§ 2. THE CONDUCT OF AMERICAN FOREIGN RELATIONS

The foreign policy of the United States has been, on the whole, a simple affair. Three objects have, chiefly, been pursued: firstly, to keep clear of entangling alliances, according to the Farewell Address of George Washington and the Inaugural Speech of Thomas Jefferson; ¹ secondly, to maintain and to foster the commerce of the United States, especially the sea-borne commerce; thirdly, to establish and promote the paramount position of the United States over the whole American continent, excluding European interference. These three objects may perhaps be shortly described as: Isolation, the Open Door, and the Monroe Doctrine. This system of foreign policy has undoubtedly contributed to promote the peace and prosperity of the American people.

In pursuing its three great objects in foreign affairs, the Government of the United States has been greatly helped by continuity of management. Its Department of State (or foreign office) has not merely been guided by definite (although not rigid) traditions of policy, it has also been administered for years at a time by the same people. The Constitution of the United States ensures (subject to the chances of a man's life) that the executive head, the President, shall hold office for four years; and if the President does well, he is almost certain to be elected for a second term of four years. As he appoints his own ministers, subject only to approval by the Senate, his Secretary of State usually holds office for four or eight years; and the next President, if he belongs to the same political party as his predecessor, may continue the tenure of the Secretary of State for another four or eight years. Thus Seward was at the head of the State Department under Abraham Lincoln and Andrew Johnson from 1860 to 1869, eight years in all.

¹ *American State Papers, Foreign Relations*, I, 34, 56.

John Hay, diplomatically the most accomplished of State Secretaries, held office under both McKinley and Roosevelt.

In spite of the "spoils system" too, the permanent staff of the State Department has changed much less than might be expected. Every public department in every civilised government possesses from time to time a Nestor, a civil servant who by reason of his accumulated experience, his capacity for hard work, his adaptability and his unbroken good health, becomes indispensable, and remains to the end a quiet, persuasive, established power in the office. Ministers come and go, but the tactful, industrious, experienced principal clerk or secretary is always present, knows all the rules, remembers all the precedents, and has the proper formula for meeting new situations. The State Department at Washington has been fortunate in possessing such officials. William Hunter was chief clerk of the Department from 1829 to 1886, and formed the permanent background of the foreign policy of sixteen Presidents and twenty-six Secretaries of State. In later times John Basset Moore, the author of the *International Arbitrations to which the United States has been a Party*, was connected with the State Department as clerk, assistant secretary of State, counsellor or adviser in matters of international law, for forty years (1885-1925); and Alvey A. Adee was an assistant secretary of State for forty-two years (1882-1924) under no less than ten Presidents. Of Mr. Adee the biographer of *John Hay* says:

Administrations came and went, Adee stayed on. Presidents ignorant of diplomacy and international law felt reasonably safe in appointing as their chief Secretaries gentlemen as ignorant as themselves, because they knew that Adee was there to guard against blunders. He was the master of both the language and the practice of diplomacy. He could draw up notes, memorandum, protocol or instructions, not merely in just the right words, but with the indefinable tone of courtesy or coolness which the occasion required. His knowledge of American diplomatic history was unrivalled. His capacity for work, like his cheerfulness, never ran out. . . . Hay called him *semper paratus Adee*. An invaluable man.¹

§ 3. THE BEGINNINGS OF THE STATE DEPARTMENT AND THE FOREIGN OFFICE

The Confederation of American States which fought the Revolutionary War and made the Peace of Versailles with Great Britain

¹ W. R. Thayer, *The Life and Letters of John Hay* (1916), II, 187.

had Departments of Finance, War, Marine, Post Office, and Foreign Affairs ; but these came to an end with the establishing of the Constitution of 1787. The Constitution did not expressly provide for the creation of Executive Departments, but "it spoke of them as things which would be established as a matter of course" : in fact, it really assumed their existence.¹

Accordingly, when the first Congress held under the Constitution met in 1789, a proposal was made to establish various departments. James Madison proposed a Department of Foreign Affairs, with an officer at its head, to be called the Secretary. John Vining, of Delaware, proposed the establishment of a Home Department, to correspond with the several States of the Union, to keep the Seal, keep copies of public documents, and attend to similar matters. This proposal, however, found little favour. The Bill to create a Department of foreign affairs was carried ; but with regard to home affairs it was decided that no separate office was necessary : the less correspondence undertaken by the Federal Government with the States of the Union, the better it would be for all concerned ; and as for the keeping of the Seal and the preservation of documents, the Foreign Department could do all that. Accordingly an amended Bill was passed through Congress, and approved by the President, George Washington, on September 15, 1789, to the effect :

That the Executive Department, denominated the Department of Foreign Affairs, shall hereafter be denominated the Department of State, and the principal officer shall hereafter be called the Secretary of State.

The said Secretary of State was to have custody of the Seal, make out commissions, and keep the public papers. Thus there came into existence the great State Department, with the Secretary of State in charge of Foreign Affairs, and of Home Affairs too, although he was bound to hand over to the Treasury and War Departments the papers and records which pertained to them. The State Department, in fact, is a combination of what in Great Britain are called the Foreign Office and the Home Office, and it unites in itself the special eminence of both.

In thus creating one State Department and one Secretary of State, the new American people showed their conservatism, their deeply rooted English tradition. For the English Secretariat of

¹ Gaillard Hunt, *The Department of State of the United States* (1914), p. 54.

State at this time dealt with both foreign and home affairs: the Foreign Office and the Home Office had not been definitely separated from each other.

For the greater part of the reign of Queen Elizabeth there was only one Secretary of State. In the Queen's later years, a second Secretary of State was added, and all the home and foreign affairs of the Crown passed through these two channels. The first two Stuart kings introduced further organisation. They divided the Secretariat into a Northern and a Southern Department. The Secretary of State for the Northern Department dealt with all correspondence of the Crown relating to Germany, Scandinavia, Poland, and Russia. The Secretary of State for the Southern Department had charge of the correspondence with France, Spain, Portugal, Switzerland, Italy, and Turkey; he also had charge of home affairs. Thus the Secretary for the Southern Department really combined the work of the present Home Office and the Western and South-Eastern European sections of the Foreign Office; the Secretary for the Northern Department was a purely Foreign Secretary for the area of the Baltic and North Sea. But the duties of the Secretaries of State were, in time of necessity, interchangeable, as indeed they still are: any one Secretary of State can legally do the work of any other.

The modern division of the Secretariat into Foreign Office and Home Office (other Secretary-ships of State have been added still later) dates from 1782. Charles James Fox, on being appointed by the Prime Minister, Lord Rockingham, to the Northern Secretariat, announced a change of system in a letter to the representatives of Great Britain abroad. He wrote (March 27, 1782) that His Majesty had named him Secretary of State for the Department of Foreign Affairs. At the same time he announced that His Majesty had conferred on Lord Shelburne (who would under the old system have been Southern Secretary) the Department of Home Affairs.¹ Thus in 1782 Great Britain definitely divided its policy into the Home and Foreign branches, with a separate Department and Secretary of State for each; but the young United States, seven years later, when it was organising its governmental institutions, preferred to keep the two branches of policy under one

¹ No Order in Council or Departmental Minute authorised the change. See Anson, *Law and Custom of the Constitution* (1907), II, i, 165, and Fitzmaurice, *Life of Shelburne* (ed. 1912), II, 90.

roof, and (subject to the control of President and Senate) in one pair of hands. The difference in size between the population of Great Britain and of the United States was sufficient reason for the first having two Secretaries of State and the other only one. Queen Elizabeth conducted all the affairs of England through one Secretary of State. The United States' Secretariat is Elizabethan.

§ 4. WASHINGTON, DISTRICT OF COLUMBIA

Washington (as Charles Dickens noticed over eighty years ago) is a city of magnificent distances. The State Department is the southern section of the huge building which houses also the War and Navy Departments. Built in 1875, it stands in Pennsylvania Avenue next to the White House. Before 1875 the State Department had many wanderings. The old Department of Foreign Affairs, of which Robert Livingston was the first Secretary (from 1781 to 1783), had a modest house in Philadelphia. Livingston resigned in June, 1783. The next Secretary, John Jay, was not appointed until May, 1784. He continued in office until the new Constitution came into effect in the summer of 1789, when the modern State Department was established, and Thomas Jefferson became the first Secretary. During Jay's period of office, the Department was moved, with the rest of the Government, to New York, where it remained, occupying only two rooms, until 1788. It then moved back to Philadelphia, migrated temporarily (on account of the yellow fever) to Trenton in 1798, and at last, in 1800, found a home in Pennsylvania Avenue, Washington. Even in those early days the State Department shared a house with the Department of War. The British raid on Washington on August 24, 1814, only displaced the State Department for a day or two. James Monroe, who was then Secretary, retired with President Madison to the Virginia side of the Potomac River.¹ On returning to Washington the Department occupied various buildings successively until its present quarters were built in 1875. There, in the Diplomatic Reception-room, the portraits of all the Secretaries of State from 1789 to the present day can be seen, a gallery of tranquil figures, viewing with serene countenance the scene of their strenuous labours.

Well-staffed and well-equipped as the Department is, its management of detail has not always been above criticism. Walter H.

¹ McMaster, *A History of the People of the United States* (1903), IV, 142.

Page, while Ambassador at London, from 1913 to 1918, complained of frequent "leakages" from Washington.¹ His staff were "actually afraid to have a confidential dispatch go to the State Department," which Page compared unfavourably with the "big doors and silent men" of the Foreign Office in Downing Street. Nevertheless, a reading of history proves that the State Department has made few mistakes of technique.

Policy is made not only at the White House and State Department. On the same great avenue, in the centre of the city of Washington, is the Capitol, where Congress sits. The House of Representatives (except in treaties concerning tariffs) has little to do with foreign affairs; but the Senate, by Article II, Section II of the Constitution, can reject any treaty which the President makes. There is a Senatorial standing Committee on Foreign Affairs; and the chairman of this committee may, through experience, knowledge, and force of character, impress himself upon the foreign policy of his country, and combine something of the influence both of a Minister and a permanent official. The position of the Chairman of the Senate Committee is, it is true, one of criticism rather than of action. The Committee cannot make treaties; but its reports can usually bring about either the amendment or rejection of any proposed treaty. The Senate is extremely tenacious of its control over foreign policy; and no President or Secretary of State can for a moment afford to neglect the Chairman of the Senate Committee. Charles Sumner, chairman from March, 1861, to March, 1871, and Henry Cabot Lodge, chairman in more recent years, must rank in the diplomatic history of their country with Seward and Hay. In a sense, the Chairman of the Senate Committee may be more powerful than the Secretary of State: for the Chairman is independent of changes in the Administration and the veto of himself and his committee is almost absolute. A strong-minded chairman of long experience has some of the strength given by autocracy (his own), aristocracy (the Senate's), and democracy (the public opinion, and the party-machine which is behind him). The emergence of the Chairman and Senate Committee as a kind of third power in the Constitution (ranking with the President and Secretary of State), in the control of foreign affairs, is a striking feature of American history in the last fifty or sixty years.

¹ Cp. *The Life and Letters of Walter H. Page*, by Burton J. Kendrick (1921), I, 225.

CHAPTER II

THE PEACE OF VERSAILLES

During the War of American Independence the British Government and the Confederate Government had no diplomatic relations. Great Britain had tried to get into negotiation with her revolutionary subjects, in the hope of making a peace that would not involve the independence of the colonies. After France and Spain joined in the hostilities on the American side in 1778, the chance of Great Britain reducing the colonies to submission grew less ; and after the capitulation of Lord Cornwallis's army at Yorktown in October, 1781, the chance became almost nothing. In March, 1782, the Tory Prime Minister, Lord North, resigned office ; having maintained the war-policy, he could scarcely undertake the peace-negotiations. He was replaced by the Marquis of Rockingham, a moderate Whig ; on Rockingham's death on July 1, 1782, Lord Shelburne, the most far-seeing of the contemporary statesmen, took up the thankless task.

Before Shelburne became Prime Minister, tentative Franco-British negotiations had been going on in Paris and in London, conducted through official agents of Lord Rockingham on the one hand, and of Vergennes, the French Minister for Exterior Affairs, on the other. These negotiations were undertaken with the knowledge and at first the approval of the agents in France of the American Confederate Government, Benjamin Franklin and John Jay. But soon the American Commissioners began to fear that France was going to make a separate peace with Great Britain, contrary to the Franco-American Treaty of Alliance. Their fears were increased when British agents communicated to them a document, dated March 13, 1782, and written by Barbé-Marbois, Secretary of the French Legation at Philadelphia. In this Memorandum Barbé-Marbois advised his Government not to insist on the Americans securing a right to share in the Newfoundland fisheries ¹ : it had been

¹ Text in *The Life of Jay*, by W. Jay (1833), vol. I, p. 490. [Also in Wharton, *The Revolutionary Diplomatic Correspondence of the United States* (1889), V, 238-241.]

dispatched from the United States by a French frigate, which a British cruiser had stopped on the way. The portfolio of French documents was cast overboard to save it from the British, but it floated and was rescued from the waves. Thus its contents came into the hands of the British Government, and were communicated to Jay.¹ It was not often that the Americans had to congratulate themselves on what Jefferson on another occasion sadly called "the uncommon vigilance of the enemy's cruisers."²

The Secretary of State for Foreign Affairs, Charles James Fox, had sent a member of the famous Grenville family (which had also produced the author of the Stamp Act) on a semi-official visit to Franklin at Paris. "The name," wrote the American to Fox, "I assure you, does not with me lessen the regard his excellent qualities inspire. . . . I hope his coming may forward the blessed work of Pacification, in which for the sake of humanity no time should be lost: no reasonable cause, as you observe, existing at present for the continuance of this abominable War."³

Franklin was in favour of continuing to negotiate, according to his instructions from Congress, only with the full knowledge of the French. Jay, on the ground that France seemed to have already taken up a separate negotiation with Great Britain, was in favour of making a separate peace. John Adams, United States Minister to The Hague, came to Paris on October 26, and joined his influence to that of Jay. The result, after weeks of difficult negotiations, was the Preliminary Treaty of Peace between Great Britain and the United States of America. It was signed at the lodgings of the British Commissioner, Oswald, at Paris on November 30, 1782; after the signature, all the Commissioners, British and American, went out to Passy, to dine with Benjamin Franklin.

The title of the Treaty was:

Articles agreed by and between Richard Oswald, Esquire, Commissioner of His Britannic Majesty for treating of peace with the

¹ See *American Diplomacy*, by Carl Russell Fish (1923), pp. 44-45. A similar capture by a British cruiser of an American-Dutch Treaty in 1780 had occasioned the war between Great Britain and Holland.

² Jefferson to Jay, April 13, 1873, in *The Life of Jay*, I, 170. Wharton (*Revolutionary Diplomatic Correspondence of the United States*, V, 241-2, note) thinks that the famous Barbé-Marbois letter was perhaps forged, or at least corrupted by the British. Jay believed it to be genuine, and its effect on the course of negotiations is indisputable.

³ Franklin to Fox, May 10, 1782 (F.O. [4] America, 2).

commissioners of the United States of America, for his said Majesty, on the one part ; and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the said United States for the treating of peace with his said Majesty, for them, on the other part ; in order to be inserted in, and to constitute the Treaty of Peace, which it is proposed to conclude between the Crown of Great Britain and the United States ; but which Treaty must not be concluded before it is agreed concerning the conditions of peace between Great Britain and the United States : And His Majesty shall be ready to conclude such a peace in consequence.¹

This curious preamble was drafted in order to satisfy the consciences of the American Commissioners. The United States had bound themselves, by their treaty of February 6, 1778, not to make peace with Great Britain without the consent of France : this was the condition on which France had joined in the war. It was, of course, a reciprocal condition, binding France not to make peace without the consent of the United States.²

In the first article ~~His~~ Britannic Majesty acknowledged the complete independence of the United States. The second article drew the boundary from the north-west angle of Nova Scotia, " which is formed by a line drawn due north from the source of the St. Croix river to the highlands," to Lake Ontario, through the middle of this lake ; next, through Lakes Erie and Huron, across Lake Superior, then across Lake Long and the Lake of the Woods, and then due west to the Mississippi. This boundary, with some rectifications made later owing to ambiguity in the article, is the same as that which at present exists between Eastern Canada and the United States.

The boundary adopted in the British-American treaty entailed a large concession on the part of Great Britain, for the Quebec Act of 1774 had drawn the line between Canada and the Thirteen Colonies so as to include in Canada the territory which afterwards became the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin. Article 2 also recognized a boundary on the Mississippi which forestalled a claim of Spain to the territory north of her colony of New Orleans ; this claim, if made good, would have given what was later the States of Mississippi, Alabama, and part of Tennessee to Spain. Therefore, in territory, the United States did extremely well by reason of the secret Preliminary Treaty with Great Britain. On the other hand, it

¹ Martens, *Recueil de Traité*s, III, 497.

² Treaty of Alliance between France and the United States (*Les États-Unis de l'Amérique septentrionale*), Martens, *Recueil*, II, 605.

dispatched from the United States by a French frigate, which a British cruiser had stopped on the way. The portfolio of French documents was cast overboard to save it from the British, but it floated and was rescued from the waves. Thus its contents came into the hands of the British Government, and were communicated to Jay.¹ It was not often that the Americans had to congratulate themselves on what Jefferson on another occasion sadly called "the uncommon vigilance of the enemy's cruisers."²

The Secretary of State for Foreign Affairs, Charles James Fox, had sent a member of the famous Grenville family (which had also produced the author of the Stamp Act) on a semi-official visit to Franklin at Paris. "The name," wrote the American to Fox, "I assure you, does not with me lessen the regard his excellent qualities inspire. . . . I hope his coming may forward the blessed work of Pacification, in which for the sake of humanity no time should be lost: no reasonable cause, as you observe, existing at present for the continuance of this abominable War."³

Franklin was in favour of continuing to negotiate, according to his instructions from Congress, only with the full knowledge of the French. Jay, on the ground that France seemed to have already taken up a separate negotiation with Great Britain, was in favour of making a separate peace. John Adams, United States Minister to The Hague, came to Paris on October 26, and joined his influence to that of Jay. The result, after weeks of difficult negotiations, was the Preliminary Treaty of Peace between Great Britain and the United States of America. It was signed at the lodgings of the British Commissioner, Oswald, at Paris on November 30, 1782; after the signature, all the Commissioners, British and American, went out to Passy, to dine with Benjamin Franklin.

The title of the Treaty was:

Articles agreed by and between Richard Oswald, Esquire, Commissioner of His Britannic Majesty for treating of peace with the

¹ See *American Diplomacy*, by Carl Russell Fish (1923), pp. 44-45. A similar capture by a British cruiser of an American Dutch Treaty in 1780 had occasioned the war between Great Britain and Holland.

² Jefferson to Jay, April 13, 1873, in *The Life of Jay*, I, 170. Wharton (*Revolutionary Diplomatic Correspondence of the United States*, V, 241-2, note) thinks that the famous Barbé-Marbois letter was perhaps forged, or at least corrupted by the British. Jay believed it to be genuine, and its effect on the course of negotiations is indisputable.

³ Franklin to Fox, May 10, 1782 (F.O. [4] America, 2).

commissioners of the United States of America, for his said Majesty, on the one part ; and John Adams, Benjamin Franklin, John Jay, and Henry Laurens, four of the Commissioners of the said United States for the treating of peace with his said Majesty, for them, on the other part ; in order to be inserted in, and to constitute the Treaty of Peace, which it is proposed to conclude between the Crown of Great Britain and the United States ; but which Treaty must not be concluded before it is agreed concerning the conditions of peace between Great Britain and the United States : And His Majesty shall be ready to conclude such a peace in consequence.¹

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¹ Martens, *Recueil de Traités*, III, 497.

² Treaty of Alliance between France and the United States (*Les États-Unis de l'Amérique septentrionale*), Martens, *Recueil*, II, 605.

must be remembered that throughout the greater part of the negotiations the American Commissioners had been demanding a great deal more territory than the treaty, as signed, gave them.¹

The third article secured to the nationals of the United States the same rights of fishing in the gulf of the St. Lawrence and off Newfoundland as they had enjoyed when under the British flag. By the fifth article Congress undertook to recommend to the Legislatures of the various American States the restoration of all property confiscated from British subjects - the "Loyalists" who had sided with the British in the War of Independence. Article 7 stated that there was to be perpetual peace between the two countries; and Article 8 provided that the navigation of the Mississippi from its source to the sea (although the Spanish owned the river below New Orleans) should be open for ever to the subjects of Great Britain and the United States.

The Preliminary Treaty was a good Act; neither side had been beaten in the war; there was enough fight left in both sides for the negotiators to have wrangled with each other for years. John Adams made no claim that the Americans had won the war. In his *Journal* he wrote, under date November 2, 1782:

The present conduct of England and America resembles that of the eagle and the cat. An eagle, scaling over a farmer's yard, espied a creature that he thought a hare. He pounced upon and took him up in the air; the cat seized him by the neck with her teeth, and round the body with her fore and hind claws. The eagle, finding himself scratched and pressed, bids the cat let go and fall down. No, says the cat, I will not let go and fall; you shall stoop and set me down.²

It is scarcely necessary to say that England was the eagle in this allegory. The four great things for which the American negotiators had contended were independence, a more extensive territory than the Quebec Act had given, a share in the Newfoundland fisheries, and recognition that the Mississippi outside existing Spanish territory was American. All these things the United States secured by the Preliminary Treaty. The British only gained the cessation of hostilities; but this meant freedom to deal successfully with the war against France and Spain, and in particular to keep Gibraltar, at that time hotly besieged by Spain. It is perhaps not too much to say

¹ See Fitzmaurice, *Life of Shelburne*, II, 201.

² *The Diplomatic Correspondence of the American Revolution*, edited by Jared Sparks (Boston, 1830), vol. VI, p. 467.

that Gibraltar (the cession of which was to have been the Spanish condition of peace) was the price of America's independence at this particular moment, November, 1782. It would have made little difference to the Americans if peace had not been made then ; they would have lost more men and money, but they would have got their independence sooner or later. It would, however, have made a great difference to Great Britain if at the final and general peace she had been forced to give up Gibraltar.

Throughout the negotiations the Commissioners on both sides had shown excellent sense and temper. When difficulties were propounded by the Americans to Fitzherbert (who was associated with Oswald), the Englishman, wrote John Adams, went on smiling.¹ Self-control and suavity are parts of the old culture of Europe, of the diplomatic art ; the Americans were learning this side of the old culture, as the British had already learned it. This explains why the antagonists, after signing the treaty, were able to go and dine with one of themselves, Franklin, who, after Washington, had done most to wrest the colonies from Great Britain.

Negotiation and signature of the Preliminary Treaty were, naturally, secret, but it was communicated, after signature, to the French and Spanish Governments, who were being ruined by the war with Great Britain, and now had perforce to make peace. The Preliminary Treaty between Great Britain and France was made on January 20, 1783. The final treaty and peace between Great Britain and the United States was signed by David Hartley, M.P., on the part of George III, and on the other part by Adams, Franklin, and Jay, on September 3, 1783. It was in all important points identical with the preliminary treaty signed the previous year.

The negotiations of 1783 were conducted with the same dignity and goodwill as those of 1782. The Chief British Commissioner Hartley, after the signing of the final act, wrote to the Foreign Office expressing his sense of the "fairness, personal character and equitable conduct" of the American plenipotentiaries. He hoped that the Treaty of Peace might be followed by a Treaty of Alliance and Friendship.²

¹ *The Works of John Adams*, III, 338.

² Hartley to Secretary of State, June 2, 1783 (F.O. [4] America, 2).

CHAPTER III

GREAT BRITAIN AND THE UNITED STATES AFTER THE WAR OF INDEPENDENCE

The long trouble was now ended. The Thirteen Colonies had separated themselves from the Mother Country. A new State had arisen which was one day to be a powerful member of the community of nations.

Yet in 1783 nobody prophesied a very bright future for the United States.¹ The thirteen former colonies, with their undeveloped territory, their scanty and scattered population of farmers, hunters and fishermen, separated from Europe by 3,000 miles of sea, did not bulk largely in the eyes of a European statesman. Each of the thirteen States was a sovereign body, and until the present Constitution was made, and adopted in 1787, the Union was a very loose affair. Even after the Constitution was established, the States were not very friendly to the Federal authority; and in any case the task of administration, over these vast territories, this sparse population, with no trained civil servants, and small resources of public money, was incredibly difficult. The problem of finding means to transport men and things, and to transmit administrative orders, seemed insoluble. Fortunately, however, for the United States, new inventions were just coming into use.

The first of these inventions was steam-power: this led to the invention in the late years of the eighteenth century of the steamboat (Fitch's steamboat was first tried on the Delaware in 1786); then came the railway; and by the middle of the nineteenth century the telegraph. "Had not the steamboat, railroad, telegraph, come when they did, would the United States have long continued?"—this is the question asked and left unanswered by America's most recent and most learned historian.² In spite of

¹ Especially as there was profound economic depression after the war: see S. E. Morison, *Maritime History of Massachusetts* (1921), p. 30.

² Channing, *History of the United States* (1921), vol. IV, p. 8.

the intervening 3,000 miles of sea, the United States was looked upon as still some kind of adjunct of Europe. The British Government did not appoint a Minister to Philadelphia (the seat of the Federal Government) until 1791. The new Power was not being taken very seriously either by its former enemy, Great Britain, or by its ally, France. "In the first quarter-century of American history, the fate of the country was bound up with that of Europe to an extent which nowadays seems almost incredible." ¹

A beginning, although small, was soon made with the Industrial Revolution in America. The first British Minister to the United States reported that complete models of Arkwright's [spinning] machines were in possession of the United States Government. They were constructed by a skilful English mechanic who had emigrated to America in 1791.²

John Adams thought that a monarchy might come about some day in the United States. The thing was not at all unlikely. Emperors subsequently arose in Mexico and Brazil. Washington had once refused a crown, when such a thing was suggested to him by one of his army officers. As President his almost regal state and manner are proverbial. Everything pointed to the continuance of a dependence of the United States on the European system. The diplomacy of Washington, Adams and Jay prevented this: and for another century the United States was in almost complete isolation from Europe.

From the time of his return to America in July, 1784, until the establishing of the Federal Government (which was not completed until 1789) John Jay held the appointment, under Congress, of Secretary of the Department of Foreign Affairs. The foreign department at Philadelphia was a simple organisation, consisting simply of Jay himself and a clerk or two. The total number of employees of the whole Federal Government was not more than twenty.

Congress decided to send a Minister to Great Britain, and John Adams was chosen. This illustrious man was born at Braintree, Massachusetts, on October 31, 1735. His great-grandfather was a Devonshire man who had come from England to Braintree, along with his eight sons, in 1635. John Adams went to College at

¹ Channing, *op. cit.*, IV, 116.

² Hammond to Secretary of State for Foreign Affairs, February 2, 1792 (F.O. [4] America, 4).

Harvard, and took a degree in 1755. He then was a schoolmaster for about a year, and afterwards became a lawyer at Braintree. When the War of Independence broke out, Adams was already something of a national figure, both as a lawyer and as a politician. It was he who proposed George Washington of Virginia as commander of the American Army, in the Continental Congress in 1775. He became a member of the Congress Committee for Foreign Affairs and Chairman of the Board for War. In the later stages of the war he was sent twice on mission to France, was for a short time United States Minister at The Hague, and took a prominent part in negotiating the peace with Great Britain in 1782-83.

It was a little doubtful if such an ardent and successful champion of American independence would be a *persona grata* at the British Court. He had not the engaging manners nor the sparkling wit of Benjamin Franklin. But his honesty as well as his ability were known and respected: when the agitation of the Americans was intense, at the time of the "Boston Massacre" in 1770, Adams, as a lawyer, had undertaken the invidious task of defending the British officer and file of soldiers who were being tried for manslaughter; and he had succeeded in obtaining a verdict favourable to the British case. Adams was a man of middle height and has been described as a typical John Bull, florid, stout, energetic: his features were regular, he was clean-shaven, and he wore a large, majestic wig. He was extremely loquacious, rather vain, and apt to lose his temper. But he was transparently honest, and he never bore malice with anyone when the quarrelling was over. Although not the best choice as the first American Minister for the adjustment of relations between the proud Tory Government of Great Britain and their late rebel subjects, the appointment of Adams was at any rate a compliment to Great Britain, for he was, after Washington, America's greatest man.

Adams came to England expecting to find himself "in a thicket of briars." He was pleasantly surprised, for the British received him with perfect courtesy. On the morning of May 30, 1785, the Master of the Ceremonies, Sir Clement Cottrell Dormer, called upon Adams at his lodging in the Bath Hotel, Westminster, in order to present him at Court. First the two went to the office of the Secretary of State, Lord Carmarthen, who himself went on to St. James' Palace, and introduced Adams into the King's closet. The interview lasted just a few minutes. "I had only time to observe," wrote Adams to

Jay, "that I was introduced with every necessary formality, and received with some marks of attention."¹ In a subsequent letter, Adams gives a somewhat fuller account: "I was left with his Majesty and the Secretary of State alone. I made three reverences—one at the door, another about half-way, and a third before the presence—according to the usage established at this and all the northern Courts of Europe, and then addressed myself to his Majesty." Adams' speech was extremely friendly. He concluded with the words:

The appointment of a minister from the United States will form an epoch in the history of England and America. I think myself more fortunate than all my fellow-citizens, in having the distinguished honour to be the first to stand in your Majesty's royal presence in a diplomatic character; and I shall esteem myself the happiest of men if I can be instrumental in recommending my country more and more to your Majesty's royal benevolence, and of restoring an entire esteem, confidence and affection, or in better words, the old good nature and the old good humour between people who, though separated by an ocean, and under different governments, have the same language, a similar religion, and kindred blood.

"The King," continues Adams, "listened to every word I said, with dignity, but with an apparent emotion." He could scarcely help being affected by the nature of the interview, and he betrayed the agitation which Adams, on his side, could not suppress. George III, a very determined and even obstinate enemy, was nevertheless a thorough gentleman, and he answered the friendly speech of Adams in an equally frank way:

I wish you, sir, to believe, and that it may be understood in America, that I have done nothing in the late contest but what I thought myself indispensably bound to do, by the duty which I owed to my people. I will be very frank with you. I was the last to consent to the separation; but the separation having been made, and having become inevitable, I have always said, as I say now, that I would be the first to meet the friendship of the United States as an independent Power.

The King hesitated a good deal in making these remarks, and there was a tremor in his voice. But when the little speech was over, he talked familiarly to Adams, asking whether he had recently come from France. On Adams replying in the affirmative, the King suggested that the Minister was not as fond of French ways as many

¹ *The Works of John Adams*, edited by C. F. Adams (1853), VIII, 254 (June 1, 1785).

other Americans were. Adams (who, as a matter of fact, did not much like them¹) replied that he had no attachment except to his own country. "The King replied as quick as lightning: *An honest man will never have any other.*"² It is a notable fact that all the American Ministers to the Court of St. James, from John Adams to Walter Hines Page and later, were on very good terms with the English monarch of their time, on much better terms, indeed, than they sometimes were with the British Secretaries of State. As a matter of fact, John Adams liked Lord Carmarthen as well as the King: he called Carmarthen "a modest, amiable man."

There were several troublesome points to be settled between the two Governments. One was the affair of the north western posts. By the Peace Treaties of 1782-3, the Federal Government had undertaken to try to induce the individual States to restore to the Loyalists of the War of Independence their confiscated rights and properties. Congress had indeed done what it could, but the States were dilatory and unwilling; accordingly, the British Government continued to occupy certain forts which, under the Treaties, ought to have been given over to the United States: these were Ogdensburg, Oswego, Niagara, Erie, Sandusky, Detroit, and Mackinaw. They were held by British garrisons; and Americans were practically cut off from the lucrative fur trade in the regions around the forts. Mr. Adams asked Pitt *when the posts on the frontiers of Canada were to be delivered up according to Treaty*; he received for answer, "that it was the intention of His Majesty's Ministers to comply with the treaty, in its fullest extent, whenever the courts of law in the United States were open to British creditors."³

Another difficulty was in commercial relations. Great Britain was America's chief market. Before the war the Americans, although they suffered in some ways owing to the Navigation Acts, gained in others; if they were bound to trade only with Great Britain, their produce was, on the other hand, protected from the competition of other countries. Now, however, after the War of Independence they were foreigners in Great Britain, and had only the disadvantages of foreigners under the Navigation Acts and the

¹ Adams in his Diary quotes, without any sign of disapproval, a remark of Jay's, in 1782: "Mr. Jay likes Frenchmen as little as Mr. Lee and Mr. Izard did. He says *they are not a moral people; they know not what it is; he don't like any Frenchmen.*" (*The Works of John Adams* (1865), III, 303.)

² *The Works of John Adams*, VIII, 256-8 (to Jay, June 2, 1785).

³ *The Massachusetts Centinel*, January 2, 1788.

British protective system of commerce. Shelburne, who was in advance of his time, had contemplated the negotiation of a Free Trade treaty with the United States. His peace treaties of 1782-83, he said, held "the great principle of free trade, which inspires them from beginning to end."¹ But the fall of his Government in 1783 had prevented his fine scheme for a definite free trade agreement. What would have been a powerful example to divided, distracted mankind was thus lost, and, indeed, very decisively lost, for America herself soon became protectionist; and every generation she becomes so increasingly. Yet it is a fact that the American Peace Commissioners in 1783 had proposed to the British Government a system of mutual Free Trade.²

Actually, after the Peace, there seemed no need for the British Government to negotiate a commercial treaty. In the first place, until the Federal Constitution came into force in 1789, each State in the Union retained and exercised the right to regulate its own fiscal system. The powerlessness of the Union in fiscal (and indeed in all diplomatic) matters was a cogent reason for the making of a closer Federal union. In the second place, Great Britain, in the years immediately following the War of Independence, was getting all the trade that she wanted with America, without having to concede any reciprocal advantages.

England, unable to conquer America with an army of soldiers, was now able to conquer her with an army of traders. So great a number of clerks had poured in from Great Britain and had found employment in the stores of the large towns, that the sons of citizens had no chance to be brought up to trade, except with a few old merchants.³

The mission of John Adams in London was not a success. It is stated in the *Life*, written by his grandson, that on the whole the Minister was treated with coldness.⁴ This statement has been repeated by subsequent historians; yet it is not quite what John Adams himself says. His own words are that he received throughout his time at London "cold civility and dry decency."⁵ The reason for his resignation is given in two letters, written at different

¹ To Morellet, March 13, 1783, in Fitzmaurice, *Life of Shelburne*, II, 220.

² Memorial submitted to Hartley at Paris, May 19, 1783 (F.O. [4] America, 2).

³ McMaster, *History of the People of the United States* (1883), I, 256, quoting a pamphlet of 1786.

⁴ *The Works of John Adams*, I, 425 (vol. I is the *Life*, by C. F. Adams).

⁵ To Jay, February 14, 1788.

times : that it was contrary to the dignity of the United States for him to continue as Minister in England when the British Government refused to send a representative to America.¹ The reason given by the British Government for not sending a Minister was that they were waiting until the Federal Constitution was accepted and brought into operation. When Adams took leave of the King on February 20, 1788, George, after the formal speeches were over, asked him many questions about himself and his family " which were intended," wrote Adams to Jay in his dry official way, " to be very gracious and flattering, but are of no consequence to the public, and therefore will be omitted here." So Adams resigned from his mission, and left his house in Grosvenor Square, without regrets indeed, but without any feelings of aversion. In this attitude he was probably like most educated Americans of that time. The *Massachusetts Centinel*, a bi-weekly newspaper, throughout the year 1788 gives considerable prominence to English domestic affairs, such as the trial of Warren Hastings ; its information is full and accurate, and does not show any particular sign of American prejudice. The events of English high society, like a party given at Carlton House by the Prince of Wales, are reported fully and with an air of pleasant association.²

For three years there was no representative of the United States at the Court of St. James. In 1791, however, George Washington sent Gouverneur Morris, a brilliant lawyer and member of Congress, to London. Morris, who was the descendant of one of Cromwell's officers, had been a member of the Continental Congress, and of its Committee of Foreign Affairs during the War of Independence. Like a good many of the American statesmen and politicians of that time, Benjamin Franklin and Aaron Burr for instance, he was quite the reverse of a backwoodsman ; he was, in fact, a cultured and fashionable man. " No one played a better hand at ombre or quadrille, told a better story, or made a more agreeable companion at a dinner-party or an assembly." ³ He had the merit too of being an indefatigable worker, as well as a very shrewd calculator. He was a man of commanding presence, although he had lost a leg in a carriage accident. His features were finely modelled, his expression was

¹ To Jefferson, March 1, 1787, and to Jay (marked *private*), September 22, 1787 (*The Works of John Adams*, VIII, 434, 451).

² E.g. *The Massachusetts Centinel* for September 3, 1788. This newspaper had already strong anti-slavery sentiments.

³ McMaster, *op cit.*, I, 188.

thoughtful, his voice rich and strong. At the time of his London mission (which was only semi-official) he was thirty-nine years old. Although he was not able to bring about a settlement of the troublesome commercial questions and of the dispute about the north-western posts, he induced the British Secretary of State, Lord Grenville, in August, 1791, to send a Minister to Philadelphia. This Minister was George Hammond. The American Government, "in consequence,"¹ sent Thomas Pinckney as Minister to London.

Thomas Pinckney and his brother Charles were sons of a former Chief Justice of South Carolina. They had both been sent for education to England, to Westminster School, and to Christ Church, Oxford. Both had been students of the Middle Temple and were called to the English Bar. Thomas Pinckney, when he became Minister to the Court of St. James, was forty-one years old. He had served in the American army during the War of Independence, and was wounded and taken prisoner at the Battle of Camden. After the war he returned to his profession of the law, and became Governor of his native State, South Carolina. A courageous, patriotic gentleman, Thomas Pinckney was well fitted to meet the British statesmen on their own ground.

The north-western posts and Navigation Acts were not the only things which troubled Anglo-American relations. On February 1, 1793, the French Republic declared war upon Great Britain, which thus became involved along with the European monarchies in a struggle against France. This struggle was to endure, almost continuously, for over twenty years. Great Britain's part in these wars was largely maritime, and she naturally wished, so far as possible, to restrict American trade with France. The French navy, for similar reasons, bore hardly on American ships trading with the British. The strained relations which ensued between the British and American Governments, as well as between the French and American, are an instance of difficulties which were to give rise to acute crises in subsequent wars of Europe, and also of America. In 1793-94 the strained relations nearly led to a war with Britain, for although Congress resented French interference with American commerce, it resented to a much greater extent the more efficient British interference. George Washington, however, who always exercised a peaceful influence after the War of

¹ See R. Morris to P. Colquhoun, July 28, 1791, in *Dropmore Papers*, II, 197.

Independence, decided to negotiate a treaty, rather than send an ultimatum.

The European war made endless difficulties for American sea-borne commerce, although it also, in some respects, provided opportunities. On April 22, 1793, President Washington issued a Proclamation of Neutrality. Meanwhile British relations with the United States, in spite of there being now a regular diplomatic representative on either side, did not improve. Hammond at Philadelphia had no authority to conclude a commercial treaty. The Secretary of State, Jefferson, might have tried to negotiate a treaty through Thomas Pinckney at London; this would have necessitated much correspondence and the drafting of elaborate instructions. Jefferson preferred to send an extraordinary plenipotentiary from America, after having fully discussed the conditions with him. The plenipotentiary chosen was John Jay, Chief Justice of the Supreme Court. His mission was nothing less than to prevent an imminent war between Great Britain and the United States.¹

In Philadelphia, although Hammond was not a *persona gratis* to the United States Government, things had not gone badly. Hammond did engage in commercial negotiations to some extent, and was able to report: "Mr. Jefferson has manifested the utmost liberality, confidence, and candour."² Thus the ground had been prepared for a good reception of Jay in London.

Jay was well qualified for the work. He was descended from Pierre Jay, a Huguenot who had left France on the Revocation of the Edict of Nantes. He was born in 1745, and received his education at the King's College (now known as Columbia) in New York. During the War of Independence he had been Minister to the Court of Spain, and peace-delegate in Paris. Thus he gained a rich experience in diplomacy. He was well-mannered, straightforward and patient. Governor Eliot, of New York, described him in a letter to Lord Auckland:

I have known Mr. Jay's character intimately from his outset in public life. He was originally under me in adjusting some boundary lines of the Provinces. He has good sense and much information; has great appearance of coolness and is a patient hearer with a good memory. He argues closely, but is long-winded and self-opinionated. He

¹ See S. E. Morison, *The Life and Letters of Harrison Gray Otis* (1913), I, 54.

² Hammond to Grenville, April 14, 1792 (F.O. [4] America, 14).

can bear any opposition to what he advances, provided that regard is shown to his abilities. He may be attached by good treatment, but will be unforgiving if he thinks himself neglected; he will expect to be looked up to, not merely as American agent, but as *Mr. Jay*, who was in Spain, who has been in high office from the beginning. On the whole they could not have made a better choice, as he certainly has good sense and judgment, both of which must have been mellowed since I saw him; but almost every man has a weak and assailable quarter, and *Mr. Jay's* weak side is *Mr. Jay*.¹

Jay landed at Falmouth on June 8, 1794, "and with his usual promptitude forwarded the same night to Lord Grenville, the Secretary for Foreign Affairs, a letter announcing his arrival."² At London he took up his residence at the Royal Hotel, Pall Mall. He at once began negotiations with Lord Grenville, at the office of the Secretary of State, which was in Cleveland Row, near by. William Wyndham, Lord Grenville, was one of the most winning personalities of the time. He was the third son of the celebrated George Grenville, Prime Minister from 1763 to 1765, who by passing the ill-fated Stamp Act through Parliament had done more than anyone else to cause the American Revolution. William Wyndham's eldest brother was Earl Temple, who from his vast and magnificent house, Stowe, in Buckinghamshire, controlled the great Whig party; the second brother, Thomas Grenville, was a useful, industrious member of the diplomatic service. William Pitt, Prime Minister from 1784 to 1801, was first cousin to these Grenville brothers. William Wyndham, like his brothers and the majority of the Whigs, wholeheartedly supported the Tory Government, of which Pitt was the head, during the French Wars; indeed the "Grenville Whigs" had always supported Pitt, and William Wyndham had become the Tory Premier's Secretary of State in 1791. He was a good scholar, a fine speaker, a courteous, amiable gentleman, and transparently honest. Everybody trusted him: "he prided himself on maintaining in international relations the high standard of rectitude, by which he governed his private conduct."³ His country home, Dropmore, in Buckinghamshire, although not on the grand scale of his eldest brother's at Stowe, was nevertheless

¹ Enclosed in Lord Auckland to Lord Grenville, July 22, 1794, *Dropmore Papers*, II, 578.

² *The Life of Jay*, I, 322.

³ See Introduction to *Dropmore Papers*, VI, p. xi. Cp. Mowat, *The Diplomacy of Napoleon* (1924), p. 87.

one of England's stately homes, and a centre of hospitality, social and political.

Grenville and Jay easily came to understand and respect each other. Jay accepted the great Whig's hospitality, and at Dropmore made the acquaintance of some of the governing circle. The negotiation, Grenville told his friends, "went on to his liking."¹ In a series of notes and conversations they came gradually to terms, and on November 19, 1794, the treaty was signed.

The Jay Treaty of Amity, Commerce and Navigation had a preamble which might be regarded as a model for others to follow. For it stated that the two Contracting Parties, "without reference to the merits of their respective complaints and pretensions," were entering into a treaty "to produce mutual satisfaction and good understanding," and "to regulate the commerce and navigation between their respective countries." Article 1 then stipulated that: "There shall be a firm, inviolable and universal peace, and a true and sincere friendship between His Britannic Majesty, his heirs and successors, and the United States of America." By article 2, Great Britain undertook to withdraw all British troops within the boundary line fixed by the treaty of peace of 1783 (that is to say, to evacuate the north-western posts). Jay, by getting these most valuable fur-trading posts, reaped where the very able American negotiators of 1782 had sown, for the best posts were on the American side of the line.²

Article 3 was a very liberal act: "It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties on the continent of America." Goods and merchandise thus imported on either side were not to pay any higher duties than would be charged against the goods of any European country—that is to say, Great Britain was to have "most favoured nation" treatment. No higher tolls or "ferriage" was to be charged by either party than would be payable by their own nationals. Article 3 ingeniously confessed the inadequacy of geographical knowledge of both Governments: "whereas it is uncertain whether the river

¹ See The Marquis of Buckingham to Lord Grenville, August 10, 1794 (*Dropmore Papers*, II, 614).

² Bemis, *Jay's Treaty* (1923), p. 2, and pp. 234-237.

Mississippi extends so far to the northward as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace between His Majesty and the United States"—in consequence of this a joint survey was to be made of the Mississippi from the Falls of St. Anthony to the source. Also (by article 5) commissioners were to be appointed to determine which was truly the river intended by the name of St. Croix in the peace treaty. Article 6 regulated the method of settling debts, contracted before the conclusion of the peace treaty, and still owing by citizens of the United States to citizens of Great Britain. By article 7 the British Government undertook to compensate any United States merchants who might have sustained loss through irregular condemnation or illegal capture of their vessels at the hands of the British during the current hostilities with France. Article 10 enacted an important principle of public credit :

Neither the debts due from individuals of the one nation to individuals of the other, nor shares nor monies which they may have in the public funds, or in the public or private banks, shall ever in any event of war or national differences be sequestered or confiscated, it being unjust or impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective Governments, should ever be destroyed or impaired by national authority on account of national differences and discontents.

Article 12 attacked the thorny affair of the Navigation Acts, and gave to America a considerable concession : it allowed American vessels of not more than seventy tons burthen to carry goods to the West Indian Islands, paying no higher duties than should be chargeable against similar British goods imported into the United States. These American vessels were also to be allowed to load and carry away goods, the produce of the Islands, except molasses, sugar, coffee, cocoa, or cotton. This exception hurt nobody except those New Englanders who wished to get West Indian molasses for making rum. By article 13 American vessels of any size were to be permitted to enter the ports and harbours of the British East Indies, were to be hospitably received there, and were to be allowed to carry away (to the United States only) any articles the importation or exportation of which was not absolutely prohibited in the East Indies. Thus the United States was admitted into the monopoly of the East India Company, and was given a privilege which British merchants (other than the East India Company) did not themselves

enjoy. Article 13 actually waived the Navigation Acts, so far as they concerned British "dominions in Europe": there was to be reciprocal and perfect liberty of commerce between the British Isles and the United States, and (by article 15) the duties on either side were to be no greater than the most favoured of any other nation enjoyed. All these most liberal commercial articles, numbers 12 to 14, were temporary.

Article 18 faced the question of contraband. Cannon, muskets, munitions of war, as well as ships' timber, tar, resin (*sic*), hemp, sails, and copper-sheeting, were declared to be contraband, and consequently just objects of confiscation. Moreover, if provisions were to be regarded as contraband "according to the existing laws of nations," the goods thus to be seized were not to be confiscated, but were to be paid for, full value, by the captors or Government under whose authority the captors acted.

The Contracting Parties bound themselves not to receive any pirates into their ports, and to seize any pirate ships with their goods that should be discovered in the ports (art. 20). No foreign privateers were to be permitted to arm their ships in the ports of either Contracting Party (art. 24). Neither Party was to permit the ships or goods belonging to the citizens of the other to be taken by an enemy within cannon-shot of the coast (art. 25). If at any time a rupture occurred between Great Britain and the United States, merchants residing in the dominions of one or other Party were to be allowed to do so and to continue their trade, so long as they behaved peaceably and committed no offence against the laws (art. 26). The last article of all, number 28, continued the important stipulation that only the first ten articles should be permanent. All the articles after number 10 expired in the year 1807, except number 12, the liberal clause relaxing the Navigation Acts, which the Senate did not ratify, on account of the protests of New England.¹

Jay stayed on in London for some months after the Treaty had been signed. He seems to have liked his hotel in Pall Mall, the society which he found in the neighbourhood, the friendly invitations to dinner which he received. He wished to hear from America how the Treaty had been received there. It was not until the middle of March that he heard of the arrival at New York, not of the Treaty itself, but of "intelligence of it." In order to ensure

¹ The Jay Treaty is given in Malloy, *Treaties, Conventions, etc.*, I, 590.

its safe arrival, two copies of the Treaty had been sent off, but by what Grenville called a "strange negligence" both the November and December mails were put by the Post Office on the same ship, the *Tankerville*, which was wrecked. Jay would not wait until the second attempt to send the Treaty across the Atlantic was known to be successful. He left England in 1795, after writing to Lord Grenville that, "if America was set right as to the affair of the Indians, and relieved from West India judges and privateers not better than Indians, ill-humour, having nothing to feed upon, would die away."

After Jay had departed, news of the arrival of the Treaty in America came to London. Grenville took the opportunity to write a kind letter which illustrates both his character and the impression which Jay had made upon him :

I cannot resist the desire I feel of availing myself of the opportunity of the first packet since your departure, to express to you how happy you would make me by allowing me occasionally to recall to your recollection in this manner one who will always entertain for you the most sincere esteem and friendship. I am particularly anxious to hear of your safe arrival and that you have found your family and your friends well. These are points paramount to all other considerations, but I know your return to your country will not be fully satisfactory to you unless you have also found the state of public affairs such as to promise the continuance of good order and tranquillity. That it may be so no one more ardently wishes than myself, and it would be a great satisfaction to me to hear it from you.¹

Jay arrived at New York on May 28, 1795. His Treaty had a very bad reception in America. George Washington sent it to the Senate, which ratified it (with the exception of article 12), in a secret session, on June 24. But three days later the terms leaked out, and were published, inaccurately, in the *Aurora*. Then a true copy was published, with the result that Jay's effigy was burned by the mob. The chief things objected to were that the delay of one and a half years before the British should be compelled to evacuate the north-western posts was too long : it shut out the Americans from participation with the fur-trade during this period, although the great advantage to be secured at the end of this period was obvious to anybody.² Americans also greatly objected to the

¹ Lord Grenville to Jay, May 11, 1795 (*Dropmore Papers*, III, 68).

² With the surrender of the posts, the old British dream of opening up the West was dissipated. See Bomis, *op. cit.*, p. 240 ; cp. Allvord, *Mississippi Valley in British Politics* (1917), *passim*.

article which made food contraband in time of war, for they were becoming great shippers of food-stuffs to France. However, George Washington went on his way unperturbed, and on March 3, 1796, sent the Treaty to the House of Representatives, asking for the necessary appropriation of money to implement it. The House demanded the papers appertaining to the Treaty. Washington refused, and thus "settled once for all that whenever the House asks for papers they are to be furnished only at the discretion of the chief executive."¹ On April 28, 1796, the House assented to the appropriation, after a speech by Fisher Ames, of Massachusetts, said to be perhaps the finest ever made in that Assembly.

When the fiery vapours of the [French] war lowered in the skirts of our horizon, all our wishes were concentrated in this one, that we might escape the desolation of the storm. This treaty, like a rainbow on the edge of the cloud, marked to our eyes the space where it was raging, and afforded at the same time the sure prognostic of fair weather. If we reject it, the vivid colours will grow pale, it will be a baleful meteor portending tempest and war.

The speech turned a majority of six against the Treaty into a majority of three in favour. The Maritime New Englanders, who had begun by an unreflecting hatred of the Treaty, soon came to see its solid advantages for them—a share in the British East India trade, and, indeed, the avoidance of war itself with Great Britain.²

¹ *Leading American Treaties*, by Charles E. Hill (1922), p. 58

² See S. E. Morison, *The Maritime History of Massachusetts* (1921), p. 79, and p. 174. Also, *The Life and Letters of Harrison Gray Otis*, by S. E. Morison, I, 55-6.

CHAPTER IV

RIGHT OF SEARCH AND EMBARGO

During the French Revolutionary and Napoleonic wars, at any rate from the time that France and Great Britain engaged in hostilities on February 9, 1793, the United States might almost be said to be within the European States-system. This close connection with European politics remained unbroken until the Presidency of James Monroe. It was not the fact of the British being in Canada that brought the United States into European affairs; after the separation of 1783, the British Government never made any attempt to use Canada as a basis for an American Continental policy. But the ownership of Louisiana (after 1800) by the powerful and ambitious French Revolutionary Government, and of Florida by the declining Spanish power, made the United States sensitive to every important movement in European politics. Further, the existence of a state of war in Europe, a war which, owing to the world-wide possessions of the combatants, was itself a world-wide struggle, reacted powerfully upon the Americans through their carrying-trade.

The idea used to be currently accepted on both sides of the Atlantic that during the French wars the United States adopted a uniformly unfavourable attitude to Great Britain. Such an idea is quite erroneous: the Americans resented the pressure exercised by France upon their trade quite as much as they resented the pressure of Great Britain, and on the whole, throughout the period of the wars, their Government seems to have been more ready to fight the French than the English. As a matter of fact maritime hostilities between France and the United States did take place in 1799, although no legal declaration of war was made by either side.¹ In the end, the only war on a grand scale which the United States fought during the whole period (1793-1815) was the War of 1812; but almost precisely the same sort of grievances which brought

¹ S. E. Morison, *Maritime History of Massachusetts*, p. 175.

about war with Great Britain nearly brought on war with France, and it was only bad luck and some political blundering which decided that the strength of America should be directed against England instead of being cast on England's side.

The United States and France were bound together by the Treaty of Alliance, February 6, 1778, under which the French had engaged in the War of Independence. President Washington decided that this and the other treaties of 1778 with France were not abrogated by the Revolution which destroyed the French Monarchy. On the other hand he took the view that the United States' guarantee of France's American possessions, under article 11 of the Alliance of 1778, did not necessitate his declaring war upon Great Britain after 1793: for the United States could not, by any manner of means, stop the British Navy from taking the French West Indian Islands. So he issued his famous Proclamation of Neutrality, April 22, 1793.¹

When Great Britain and America signed the Jay Treaty in 1794, opinion in France became really incensed. Hitherto the Americans had been popular in Paris. The republican James Monroe, who succeeded the courtly Gouverneur Morris as Minister from May, 1794, to August, 1796, had openly sympathized with the French. Morris, however, carried back with him to Philadelphia a bad impression of the French guillotinings; and he and the other Federalists, like Alexander Hamilton, aristocratic and British in sympathy, advised Washington to recall Monroe. Washington agreed, and sent Charles Cotesworth Pinckney, of South Carolina, to Paris. C. C. Pinckney was a brother of Thomas Pinckney, Minister of the United States to London, and, like his brother, had been educated at Westminster School. He was "one of the best examples of the Southern slave-holding aristocracy,"² and therefore not precisely the sort of man to suit the taste of the French Directory. Before he arrived, the exact terms of the Jay Treaty had been for long known in Paris, and the Directory, in anger, had terminated the Alliance of 1778 (July 2, 1796). When Pinckney came on the scene, December, 1796, the Directory refused to receive him. Of the two last successive French ministers to Philadelphia, one, Genêt, had been recalled on the demand of George Washington, on account of his illegal and warlike activities; the other, Adet,

¹ *American State Papers, Foreign Relations*, I, 140.

² Channing, IV, 178.

had been withdrawn by the Directors on their own initiative.

Shortly after this Washington's second Presidency came to an end, and John Adams took his place (March, 1797). In his magnificent *Farewell Address*, the Father of his Country had counselled the United States to take advantage of its "detached and distant situation," so as to remain free from European embroilments.

Why forgo the advantages of so peculiar a situation? Why by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humour, or caprice? ¹

Adams was strongly peaceful, but he was none the less a determined man. He declared that he would never send a minister to France without assurances that he would be "received, respected and honoured as the representative of a great, free, powerful and independent nation." However, willing to smooth over the irritation if possible, he sent three unofficial commissioners to Paris in the summer of 1797: these were C. C. Pinckney (the rejected minister to France), John Marshall, the great lawyer, and Elbridge Gerry. Their dealings with the Directory are described by Pinckney to the Secretary of State in a dispatch that reads like a chapter from some sensational novel. The meetings began on October 18, 1797. First a Monsieur X. called upon the Commissioners, and opened the subject of Anglo-French relations, finally saying that everything could be arranged if twelve hundred thousand *livres* (about £50,000) were given as a *douceur* to the Directors. Two days later a Monsieur Y. called. The gist of his communications was similar to those of his friend X.'s, except that (he stated) in addition to the *douceur*, a loan of thirty-two million Dutch florins was required by the French Government from the United States. Finally, about a week later, a Monsieur Z., "a French gentleman of respectable character," came to the Commissioners' hotel, and conducted one of them to Talleyrand, the *Ministre des Relations extérieures*. Talleyrand discussed Franco-American relations with his usual *finesse*, but concluded with a more direct observation than he was wont to use, namely: "that this matter about the money must be settled directly." The American Commissioners, however, did not commit themselves. No money changed hands, and no adjustment of relations resulted from the mission. The object of Talleyrand

¹ *American State Papers*, vol. I (*Foreign Relations*, vol. I), p. 37.

in these obscure negotiations was not to bring the United States into the war on the French side, for thus France would lose the advantage of neutral American commerce. What he really wanted was to temporize with the United States until his negotiations with Spain for the cession of Louisiana to France were concluded.¹

Meanwhile American ships were being captured by French privateers, and preparations for a naval war were being made by the U.S. Navy Department. It was this war crisis which brought the American Navy (which had practically died away since the War of Independence) into new life, a life that has gone on increasingly until to-day. In June, 1798, President Adams revoked the *exequaturs* of the French consuls in the United States and sent them home. On July 7, 1798, Congress denounced the Treaty of Alliance. In 1799 all United States merchant ships were ordered to resist French assaults by force, and privateers were commissioned. A number of fights took place; French ships were captured and condemned in American prize courts. The Directory had enough on their heads without having to undertake war on the grand scale with the United States. So before matters had gone too far, Talleyrand reopened negotiations. Napoleon Bonaparte overturned the Directory, but kept Talleyrand at the Ministry of Exterior Relations. The negotiations went on and issued in the Convention of Mortefontaine, signed by Joseph Bonaparte and Ellsworth, Vans Murray and Davie, on September 30, 1800. This was not a treaty of alliance, but only a convention of Peace, Commerce and Navigation. Talleyrand had not expected to make an alliance: he was content to detach the United States from commercial interest with Great Britain, and so to diminish British commerce with America. This was regarded in French official circles as "a success of greater consequence than the most fortunate war."²

After the Convention of Mortefontaine the relations of France and the United States became for a time very easy, all the more so when Napoleon suddenly and surprisingly offered to sell Louisiana.

Louisiana, one of the oldest colonies of France, had been ceded to Spain in 1763. On October 1, 1800, by the Treaty of San Ildefonso, Spain retroceded the province to France. However, with the British

¹ Morison, *Harrison Gray Otis*, I, 82-83. The "X Y Z Dispatches" are in *American State Papers, Foreign Relations*, vol II, 157 ff.

² See *Instructions of Talleyrand*, in Mowat, *Diplomacy of Napoleon*, p. 89.

Navy commanding the sea, Bonaparte could not take delivery of the ceded territory ; and the Spanish authorities were not in any hurry to hand it over. Meanwhile Jefferson (who had succeeded Adams as President in March, 1801) had got wind of the cession. It was one thing to have the moribund empire of Spain for a neighbour ; it would be quite another thing to have France at the mouth of the Mississippi. The question of Louisiana excited strong interest in the American Press, and contradictory rumours were flying about the country.¹

Rather than have France on the Mississippi, Jefferson decided that the United States would have to fight. But first he sent James Monroe on a special mission to Paris, to see if he could purchase a piece of Louisiana—New Orleans and its district—just enough to enable the United States to keep the Mississippi open to commerce. Before Monroe arrived, Edward Livingston, the regular American Minister at Paris, had opened the subject with the First Consul, and had found out that Bonaparte (whose colonial designs had come to grief) was willing to sell not merely part but the whole. Between them Monroe and Livingston completed the negotiations in about a fortnight ; and by the Treaty of Cession, April 30, 1803, Louisiana was to change hands for sixty million francs. Spain, being now fast bound to the chariot wheels of France, had to accede to the treaty. On November 30, the Spanish authorities gave over the administration of Louisiana to a French prefect, who in turn handed it over, on December 20 (1803), to American Commissioners.²

Thus by the end of the year 1803 American diplomacy had decidedly shown its capacity to deal with the circumstances of the Great War. It had solved a war-crisis with Great Britain, by the Jay Treaty of 1794 ; it had prevented a small, semi-official war with France from becoming a great war, by the Convention of Mortefontaine in 1800 ; and it had acquired by the Louisiana Purchase a province of unknown extent and incalculable economic and political significance, on the lower Mississippi. But the next decade was to show troubles which were met with less skill, and ended with a terrible British war.

Somehow or other British relations with the United States were not very smooth, even after the Jay Treaty was made. It must be sadly confessed that a traditional feeling of hostility was being

¹ See *The Columbian Centinel*, for June 26, 1802.

² See J. A. Robertson, *Louisiana under the Rule of Spain, France and the United States* (1911), vol. II. Mowat, *Diplomacy of Napoleon*, 140-2.

nourished by some sections of the community. On the other hand there was a *moderate party*, of whom John Adams was the leading man. Much was hoped from the appointment of a regular British Minister to the United States: "he should be a man of sense, family, and *weight of character*," wrote Robert Morris, the Treasurer, to P. Colquhoun in 1791. George Hammond, however, although he was descended from a Pennsylvania family and although he married a Philadelphia lady, never lived on good terms with the American Government. The long negotiations necessary before the United States could get delivery of the North-West frontier posts, and the chronic trouble of contraband trade in the Anglo-French War, embittered the notes of Hammond and Secretary of State Jefferson.¹

The Jay Treaty was concluded in the nick of time. "Captain West from Boston tells me that there is likely to be a war between England and our country," wrote an American in Brest, on January 29, 1795.² "A discerning minister, true to your lordship's conciliatory views, and possessed, if possible, of your prudence and self-command, cannot be too early at Philadelphia," wrote Jay to Lord Grenville, before leaving England. Grenville knew well enough what Jay meant. Indeed Jay had previously spoken much more plainly:

I have a good opinion of Mr. Hammond, nay more, I really wish him well. The asperities, however, which have taken place lead me to apprehend that official darts have frequently pierced through official characters and wounded the men. Hence I cannot forbear wishing that Mr. Hammond had a better place.³

Hammond was perhaps a little unfortunate in his aims. He wished to mediate between the United States and the Indians in the Cherokee War. His object was to secure the recognition of the Indian tribes along the British-American frontier as an independent country, a buffer State. These were the instructions sent to him by the Foreign Office.⁴

At the same time wild rumours were flying about that the British were supplying arms and munitions to the Indians who were fighting

¹ See *Authentic Copies* of the Hammond-Jefferson Correspondence, printed in a pamphlet, at Philadelphia, and reprinted at London, in the same year, 1794.

² *Dropmore Papers*, III, 13.

³ *Ibid.*, III, 535.

⁴ Secretary of State for Foreign Affairs to Hammond, March 17, 1792 (F.O. [4] America, 14).

against the United States.¹ Hammond's position was made worse by the improper publication of some of his notes to the Secretary of State. Such "leakages" from the State Secretariat have frequently since been subject of complaint by American diplomatic officials themselves, for instance by Ambassador Page during the war of 1914-1918. In 1794 Jay was equally condemnatory of them. The journal *Aurora*, which had prematurely published Jay's Treaty, came under censure again some years later, for publishing a "secret" Senate Bill.²

Actually on December 9, 1794, Lord Grenville sent letters of recall to Hammond, saying kindly that the Minister would probably prefer himself to leave a disagreeable situation, and to give an opportunity to some other channel of communication, in order to reconcile the British and American Governments. The new channel was Robert Liston.

This official was one of the best diplomatists in the British service at that time. He was a Scotsman, a graduate of Edinburgh University, who had obtained an entry into the diplomatic profession by becoming a tutor in the family of the Elliots of Stobs. When one of his pupils, Hugh Elliot, became Minister at Lisbon, Liston went with him there as private secretary. After this he was sent on various missions, the last, before his appointment to Philadelphia, being the Constantinople Embassy. On February 17, 1796, he was appointed Envoy Extraordinary and Minister Plenipotentiary to the United States. Lord Grenville was paying the Americans the compliment of sending one of the most eminent members of the British diplomatic service.

Liston was well suited to enter into official society at Philadelphia. This city, with its dignified "Georgian" houses, its Government officials, the diplomatic corps, the "merchant princes," and young Americans of good family—"educated usually in the English Universities or the Temple"³—had much of the high culture and political interest of a European capital. After 1800 the Federal Capital was removed to Washington, where, except for one wing of the Capitol, and the Executive Mansion of the President, there was practically nothing but mud, tree-stumps, brick-kilns, and workmen's

¹ Hammond to Secretary of State for Foreign Affairs, January 30, 1792 (F.O. [4], America, 14).

² See *Columbian Centinel* for March 8, 1800.

³ Morison, *Harrison Gray Otis*, I, 126.

huts lying between forests and "the broad sweep of the Potomac." Officials and diplomatists had to find a lodging in "comfortable little Georgetown," two miles away.¹

Soon after the arrival of Liston at Philadelphia the Presidential election took place. He found that "every incident unfavourable to the popular faction" was ascribed to *British guineas*.² Thus the European view of the political intrigues and potency of the money of Great Britain seems to have spread to America. Something happened to confirm this suspicion.

This was an unfortunate occurrence which troubled Liston's tenure of his post, soon after his arrival at Philadelphia. William Blount had been a delegate of North Carolina in the War of Independence, and in 1787 was one of the signers of the Federal Constitution. In 1796 he was elected Senator for the newly formed State of Ohio. He was a bold, energetic man, and as Governor of Tennessee he had had experience both of the Cherokee Indians and of Spanish neighbours. His enterprising spirit was soon to be the ruin of him.

Some time in the winter of 1797 a man called Chisholm called on Liston in Philadelphia. He had a plan to seize the Spanish settlement of New Orleans, with a band of American filibusters and Cherokee Indians. A British fleet, he suggested, should co-operate. The proposal was not dishonourable. The Spanish Government was at this time under the erratic leadership of Charles IV and his Minister, Godoy, in offensive and defensive alliance with France.³ A Spanish fleet had, on February 14, 1797, fought the British Fleet at the Battle of Cape St. Vincent and had been defeated. Spain was still a dangerous enemy. Liston, however, refused to make plans and arrangements in a neutral State for operations of war against a neighbouring power. The French Minister, Genêt, had been expelled for such conduct. Liston went so far, however, after being importuned for several months by Chisholm, as to send the man to London, with his passage paid, to consult the Foreign Office. Before he sailed Chisholm boasted of his plan, and of his recognition by the British Minister, to a certain James Carey, of Tennessee, who was interpreter to the Cherokee Indians and did their business at Philadelphia. He also told William Blount, who entered into the plan

¹ Morison, *Harrison Gray Otis*, I, 144.

² Liston to Lord Grenville, December 5, 1796 (F.O. [5] America, 14).

³ First Treaty of San Ildefonso, August 19, 1796: see Mowat, *The Diplomacy of Napoleon*, p. 135.

with great zest : Blount was eager to help the British and Cherokees to capture New Orleans, apparently because he hoped himself to be appointed leader of the British force. He communicated this hope to Carey, who, as a man occupying a post of public trust, thought it his duty to inform the public. He gave a letter of Blount's to the newspapers, and the whole plot came out. Blount was expelled from the Senate (July 8, 1797) and impeached. Liston was accused of acting against the rules of international comity. He defended himself on the ground that it was his duty not to plan war while he was Minister in a neutral State (and he had conformed to this rule of conduct), but it was also his duty not to divulge names or information given to him confidentially by any agents, American or otherwise. Rufus King, United States Minister in London, enclosing newspapers with an account of the Blount affair, protested rather mildly in a letter to Lord Grenville :

It has given me great satisfaction to perceive . . . that his Majesty's Government so distinctly disapproved the project of Mr. Blount and his associates the moment that they were apprized of it ; and, with my sentiments concerning the existence of a perfect harmony and good will between the two countries, I shall always lament that Mr. Liston did not, at least confidentially, communicate to the American Government the existence of a scheme so full of mischief and so hazardous to our peace.

The Secretary of State replied from Dropmore in a brief and conciliatory note, which closed the incident :

I am much obliged to you for the communication of the American papers you sent me. I am not sorry for the accident which has afforded the means of proving the principles and rules by which our conduct is guided in everything that affects the peace and tranquillity of the United States, but I hardly think that Mr. Liston would have been at liberty to communicate to the Government of the United States a proposal of this nature, the communication of which might have involved the proposers in much personal risk ; while the plan itself would be productive of no inconvenience to your Government, since it would never be acted upon but by the co-operation of the King's ministers, a co-operation which Mr. Liston had every reason to presume never would be given, and which was accordingly refused in the most distinct and pointed manner on the first intimation we received of the business.¹

For the rest of Liston's tenure of the post of Minister, the relations of the British with the American Government were comparatively

¹ *Dropmore Papers*, III, 360-2.

untroubled. He successfully arranged the details for the evacuation of the North-Western Posts by the British. The evacuation was accompanied by "acts of mutual civility."¹ The hostilities of the United States with France in 1799 naturally made America's sympathies to incline more towards Great Britain. Had Monroe failed to arrange the purchase of Louisiana in 1803, the United States Government would in all probability have joined Great Britain in the French War, and the two peoples would then have gone hand-in-hand through the tribulations of the great struggle with Napoleon down to the peace of 1814. There would have been no disputes about neutral goods, no quarrels about impressment, no war of 1812. The modern American historian even suggests that if there had been no Louisiana Purchase Act there would have been no American Civil War, and the peace of the world to-day (he was writing in 1916!) would be beyond disturbance. "But the star of destiny otherwise determined, and it is not the function of history to question."²

Rufus King, the Minister who found a congenial spirit in Lord Grenville, was born in New York in 1753, educated at Harvard, and saw a little service in the War of Independence. He was a member of the old Continental Congress, and later took an active part in the drafting of the Constitution of the United States. As deputy for New York in the Senate he was influential in securing the ratification of the Jay Treaty in 1795. In 1796 he was appointed Minister to Great Britain by George Washington, and held this post throughout the administration of John Adams and two years of that of Jefferson. His relations with the British Foreign Office were uniformly good. He was an excellent man of business, of decided views but conciliatory manner, and a pleasant speaker. In appearance he was like an English aristocrat: his chin was pointed, his mouth small, curved like Cupid's bow, but firm, his nose well moulded and prominent, his eyes steady and quiet. He did not wear a wig, and his tendency to baldness further accentuated his look of gravity. He resigned the London mission in 1803, and retired to country life in Long Island, where like a cultivated Whig nobleman of the Old Country he practised agriculture, read in his well-stocked library, and corresponded with eminent men.

After the retirement of Liston from Washington, in 1800, Great

¹ Lord Grenville to Liston, October 7, 1796 (F.O. [5] America, 14).

² Channing, IV, 335.

Britain was represented (from 1803) by Anthony Merry, an honest gentleman, rather too formal in his manner to comport himself easily in President Jefferson's republican parties. Jefferson was a gentleman, statesman, scholar, educator, hunter, farmer, builder. He had always a pleasing expression, and he could look dignified too. When dressed in his best clothes, with his bobbed wig, silk waistcoat, frilled shirt, and well-tied stock (as in Rembrandt Peale's picture), there appeared nothing of the rustic about him, but rather a Whig aristocrat of the finest type. But the commonest appearance of Jefferson in diplomatic circles was at the Executive Mansion, lolling in a big chair, his long limbs extending too far from his clothes, his loose-jointed body balanced now on one hip, now on the other, a stream of talk, interesting, suggestive, disconnected, issuing steadily from his lips. Thirty years later Stratford Canning found a tradition in Washington that President Jefferson had received Merry (on the British Minister's presenting himself to him) "in his dressing-gown, seated on a sofa and catching a slipper, after tossing it up, on the point of his foot."¹

His official dinners at the White House were a sort of *sauve qui peut*: no names were on the covers, no order of precedence was observed, guests sat where they liked. Merry and his wife could not understand this. Jefferson wrote to Monroe:

We have told him that the principle of society, as well as of government, with us, is the equality of the individuals composing it. That no man here would come to a dinner, where he was to be marked with inferiority to any other. That we might as well attempt to force our principle of equality at St. James's as he his principle of precedent here. . . . And here, as in private houses, the *pole-mele* practice is adhered to.²

Merry's wife seems especially to have disliked these parties. Jefferson was not appreciative of her: she was, he wrote to Monroe, "a virago, and in the short course of a few weeks has established a degree of dislike among all classes which one would have thought impossible in so short a time."

When summer brought hot weather to Washington it was the habit of all the officials who could do so to go off to some cooler place in the east, Philadelphia for preference, where there

¹ *Memoirs of Stratford Canning*, in S. Lane-Poole, *Life of Stratford Canning* (1888), I, 316.

² January 8, 1804; Ford, *The Writings of Thomas Jefferson* (1897), VIII, 291.

was an old-established social life, good hotels, and a theatre.

In 1750, William Hallam, manager of the theatre in Goodman's Fields, London, failed, but so honourably that his creditors presented him with the theatre's wardrobe, and let him go free. The enterprising manager then formed a little company, and raised sufficient money to transport it over the Atlantic, in the *Charming Sally*, to Yorktown, Virginia. In time the American Company found its way to New York and Philadelphia, and established theatres there. In 1794 Hallam's successor, Wigmore, also an Englishman, opened a new theatre at Philadelphia. It was a handsome structure, designed by Richards, Secretary to the Royal Academy of London. Well-known players were brought out on temporary engagements from England. The eminent Joseph Reinagle crossed the Atlantic to direct the orchestra; and grand opera, as well as the best plays, was performed. Among the regular players was Mrs. Oldmixon, of the London Haymarket Theatre, whose husband, Sir John Oldmixon, a beau, "the successor of Nash," shared with her a cottage at Germantown, and carried vegetables to market in the same conveyance in which he took his wife to the theatre. He still kept his Bath snuff-box, tapped, opened it, and presented it with the air of a finished gentleman. Sir John died in 1818. Another of the company was John Pollard Moreton, an American born, who had been discharged from a Calcutta bank for allowing a friend to overdraw. Another was James Fennell, who had gone through the University of Cambridge before he started a roving life on the stage. His "villains" are said to have been very natural. He was the idol of the literary youth of Philadelphia, and lived in great luxury until his debts overwhelmed him and he died in dishonourable poverty. His last performance was as *King Lear* in 1815, but intemperance had done its work: even his memory was gone. Mr. and Mrs. Francis (from England) were said to be respectable actors, as they were highly respectable in private life: "having no children they shared their professional gains with those who had no parents." John E. Harwood, an American, having left the profession of law, became one of the brightest ornaments of the Philadelphia company. He married Miss Bache, a granddaughter of Benjamin Franklin. Mrs. Whitlock was a sister of Mrs. Siddons and the Kembles.¹ In 1826 the diplomatist, Sir

¹ See William Dunlap, *History of the American Theatre* (1833), especially chapter x.

Charles Vaughan, was asked to use his influence on behalf of a young William Macready, apparently a pupil of Rugby School, who was going out to seek his fortune on the stage¹ in America. The American theatre, with its strong ties with Great Britain, is not unimportant in the history of British-American relations.

In the summer of 1804, while enjoying the pleasures of society in Philadelphia, the British Minister, Merry, became mixed up with Aaron Burr. This man was by nature European, though by birth an American. The son of an eminent Connecticut Presbyterian clergyman, Aaron Burr had graduated with distinction from Princeton College, had then studied for the Presbyterian ministry, but as a result of this had become an infidel. He had fought through the War of Independence, showing the qualities of a born soldier and officer, entered the profession of law, and became, with Alexander Hamilton, the leader of the New York Bar. He married the widow of a British officer, lived in a large house at New York, with ample grounds, and entertained, among other people, Talleyrand and Louis Philippe during the Emigration. In 1800 he tied with Jefferson for the Presidency, with the result that the House of Representatives gave the deciding vote to Jefferson, and made Burr vice-president. This was the beginning of the shipwreck of a splendid career.

The vice-presidency did not satisfy his ambitious spirit. In 1804 he contested the election for Governor of New York, and out of the controversies of the canvass he quarrelled with Alexander Hamilton, fought a duel and killed him on July 7. He left the field a ruined man. He was permitted to finish his term as vice-president, but his political career was at an end. Shortly after the duel Burr was at Philadelphia, and opened a scheme to Merry. The Creoles of Louisiana were deeply dissatisfied with the transfer of that province by France to the United States. Burr had some vague plan for separating the western States of America from the Union, of detaching Louisiana, of conquering Spanish Florida, and perhaps even Mexico. The British Government, according to Burr's calculations, was to contribute a million dollars towards this design of breaking up the United States and preventing any further expansion. Merry encouraged Burr, and sent a special messenger with the news to the Foreign Office. His letter to Lord Harrowby, dated August 6, 1804, says :

¹ Wm. Birch to Vaughan, August 7, 1826 (*Vaughan MSS.*, All Souls).

I have just received an offer from Mr. Burr, the actual vice-president of the United States [which situation he is about to resign] to lend his assistance to his Majesty's Government in any manner in which they may think fit to employ him, particularly in endeavouring to effect a separation of the western part of the United States from that which lies between the Atlantic and the mountains, in its whole extent. His proposition on this and other subjects will be fully detailed to your Lordship by Colonel Williamson, who has been the bearer of them to me, and who will embark for England in a few days.¹

In the spring of 1805, Burr floated down the Ohio from Pittsburg, and made friends in Tennessee, Kentucky, and Cincinnati. In the autumn he met Merry again at Washington. Merry was still favourable to the plan, but the Foreign Office was absolutely cold. Burr arranged to get a little money from other sources, equipped a dozen or more flat-bottomed boats, collected adventurers, and in November, 1806, started from Blennerhassett's Island on the Ohio river, and sailed into the Mississippi. He got nearly to Natchez when he heard that warrants were out against him. His expeditionary force broke up; Burr wandered out into the wilderness, but was captured and put on trial for treason. In the end it was found impossible to obtain a conviction, and Burr, a free man, left his native country for the life of an exile in France. But long before this, before Burr began his great adventure from Blennerhassett's Island, the Foreign Office had recalled Merry. In July, 1806, a dispatch arrived at the British Legation stating that His Majesty had acceded to his request to be recalled—a request which Merry had never made. His successor, David Montagu Erskine, had to bear the burden of suspicion which Merry left behind him. Soon a worse trouble was to start a war crisis.

The Peace of Amiens (including the Preliminary Peace) between Great Britain and France only lasted altogether for sixteen months. In May, 1803, war began again. Once more the trade of neutrals, particularly of the United States, had opportunities of great profit, which each belligerent endeavoured to encourage when in its own favour, and to suppress when in favour of the other side. French measures against American seaborne trade with Great Britain were very drastic, but they were not as effectively enforced as British measures.

The British Courts had a custom known as *The Rule of 1756*.

¹ Merry to Harrowby, August 6, 1804, in Adams, *History of the United States*, II, 395.

"In substance this rule is that a neutral has no right to deliver a belligerent from the pressure of his enemies' hostilities by trading with his colonies in time of war in a manner not allowed in time of peace." ¹ Thus France, which forbade American ships to trade with her West Indian ports in peace-time, could not throw these ports open in time of war. If American ships attempted to engage in this trade, British cruisers captured them, and the British Admiralty Courts condemned both ship and cargo.

Another grievance of the Americans was the impressment of seamen from American merchant ships by the British Navy. The impressed sailors were British or supposed to be British. His Majesty's Government offered to accept certificates of citizenship issued by the United States Admiralty Courts as protection against impressment. But the American Government rejected this proposal. Its view was that if American sailors lost such certificates the British Navy would assume a right to impress them, even if they were the whole American merchant marine. Desertion was very common from British ships in American ports. The British Government refused to recognize certificates of nationalisation as protection for deserters. The United States did nothing to discourage desertion. Its own sailors were too few for the country's needs: the United States Navy was largely manned by natives of Great Britain. Until 1807, however, the British Navy never stopped or searched American warships.

In 1805 Monroe, who had succeeded Rufus King as Minister in London, drafted an agreement about these matters which appeared to satisfy both President Jefferson and the Prime Minister Pitt. After Pitt's death, however, the British Government, with the prospect of years of war in front of it, was afraid to sign any conditions that in the least tied the hands of the Fleet. In April, 1806, Congress passed a Non-importation Act against certain classes of British goods; but the Act was only a threat: it was not put into operation until 1808.² In May, 1806, a British Order in Council put the whole coast of Europe, from Brest to the Elbe, into partial blockade. On November 21 of the same year Napoleon replied by the Berlin Decree forbidding trade with the British Isles.

Unable to determine which of the belligerents was pursuing the more odious policy, Monroe and another Commissioner, William Pinkney, who was sent from America to help him, went on negotiat-

¹ McMaster, *op. cit.*, III, 220.

² See *Times* for January 2, 1808.

ing, and on December 31 a convention on the model of the expiring Jay Treaty was signed, and despatched to America. The British copy arrived first at Washington. The active Minister, Erskine, aware of the importance of the matter and knowing that Congress would be dispersed before the next day, at once set off to the State Department. Secretary of State Madison read the convention, noted with astonishment that it left the question of impressment unsettled, and declared that it would not be ratified. Anyhow, the chance was not given to the Senate; for when a joint committee of Congress, having heard of the Treaty, called on Jefferson at midnight, the President informed them that there would be no more sessions.¹ Soon after this a worse thing befell Anglo-American relations.

A few months after the failure of the Monroe Convention the affair of the *Leopard* and the *Chesapeake* brought the two countries to the verge of war. The British North American Squadron, based on Halifax, was always on the watch for French ships, and frequently touched at American ports for provisions or to get necessary repairs done. At such times there was apt to be a good deal of desertion from the British ships.

On March 7, 1807, a boat's crew made off from H.M.S. *Halifax*, which was lying in Hampton Roads, and escaped to Norfolk. When British naval officers afterwards saw them in the streets of Norfolk, one of the deserters, Jenkin Ratford, abused the protection of the United States by hurling oaths and insults at them. Such an incident naturally aroused great irritation in the British Navy. Ratford enlisted in the crew of the U.S. frigate *Chesapeake*, which was being fitted out for the Mediterranean. British officers suspected that many more had joined the ship.

When the desertions in Hampton Roads were reported to Admiral Berkeley, commanding the North American Station, he issued an order to all his ships, in case they met the *Chesapeake*, to stop it, show the captain the order, and search the ship. Admiral Berkeley's order concluded thus: "If a similar demand should be made by the American, he is to be permitted to search for any deserters from their service, according to the customs and usage of civilised nations on terms of peace and amity with each other." But no one would be likely to desert from an American ship in peace-time, to go to the very hard life in the British Navy in time of war. So the reciprocity

¹ McMaster, *op. cit.*, III, 253.

conceded in Admiral Berkeley's order was not worth much.

Early in June the *Chesapeake*, carrying the Commodore for the whole Mediterranean Squadron, James Barron, sailed down the Potomac into Hampton Roads. There she lay for a few weeks awaiting further equipment, and finally got under sail on June 22. When she stood out to sea, the British frigate *Leopard* came up on the windward side. Her movements appeared suspicious, but in those days, apparently, British ships "arrogated a sort of right to the windward," so the commander of the *Chesapeake* made no special preparations to meet the *Leopard*.

The *Chesapeake* was hailed about 4 p.m., and shortly afterwards Lieutenant Meade of the *Leopard* came on board, presented Admiral Berkeley's order and demanded to be allowed to search the ship for deserters from the British Navy. Commodore Barron knew of no deserters (except some who were already acknowledged to have been American subjects). He therefore refused the British demand. Lieutenant Meade then returned to his ship.

The next thing that happened was another hail from the *Leopard*: "Commodore Barron, you must be aware of the necessity I am under of complying with the orders of my commander-in-chief." The American Commodore, in order to gain time, said that he could not hear. About a minute afterwards the *Leopard* fired across the *Chesapeake's* bows, and then opened with her whole broadside. Commodore Barron, after enduring a cannonade of fifteen minutes, struck his flag. The *Leopard's* boat then came to the *Chesapeake*, searched her, and found several men suspected of desertion. One was Jenkin Ratford, the Englishman, who was later convicted and hanged. Commodore Barron stated that the *Chesapeake* was the prize of the *Leopard*, but the British captain replied "that he had nothing more to desire, and must in consequence proceed to rejoin the remainder of the squadron." The captain also expressed his regret for the loss of lives caused "in execution of a service which might have been adjusted more amicably." Three men had been killed and eight severely wounded. This was the first time that a British ship had searched a ship of the American Navy, and the result had been an open act of war.

In a moment the American public was up in arms; everything pointed to immediate war between the two countries. "It is with sensations of pain and indignation," wrote the very moderate *Columbian Centinel*, "we record, on the anniversary of our country's

Independence, a most daring insult on that Independence, attended with violence and bloodshed."¹ At this distance of time, even with all the evidence before us, it is almost impossible to conceive how hostilities were avoided. Jefferson kept his head. A cabinet meeting was held at Washington on July 2, and a proclamation was issued, in which "an honourable reparation of the wrong which had been done" was demanded, and "effectual control of its naval officers" by Great Britain. In his efforts for the maintenance of peace Jefferson was helped by Otis and, in general, by Boston society. "You are so cool and dispassionate a people in Boston," wrote Judge Rutledge to Otis at the height of the crisis, "that you seem to have escaped the passion which enflames us." It was impossible, said the Judge, for the United States to keep a navy, if Great Britain was to go on exercising a right of search: "We must kick against this and fight against it, and fight as we should *pro aris et foveis*." But Otis was firm for peace, and noted in his reply, that a hint of Russian mediation had made the stocks go up about 27 per cent.²

Erskine, at the British Legation at Washington, behaved prudently and tactfully. Both Jefferson and his Secretary of State, Madison, as the French Minister reported to Talleyrand, wished to avoid war. Erskine was not given his passports, but, on the contrary, was still invited to dinner at the White House, the French Minister also being present.

No strong power of imagination is needed to see the White House parlour, on the warm summer night, with Jefferson, as Senator Masley described him, sitting in a lounging manner on one hip, with his loose, long figure, and his clothes that seemed too small for him, talking without a break, in his rambling, disjointed way, showing deep excitement under an affectation of coolness, and at every word and look betraying himself to the prying eyes of Talleyrand's suspicious agent.³

Erskine, in his dispatches to the Foreign Office, suggested that an apology should be sent: this would not only render it impossible for Congress to sanction a war, but might even lead to the settlement of other outstanding points of dispute.

In London feeling was no better than in America, and with less cause. The Press as a whole defended the action of the Navy, and was not abashed at the prospect of war. One important newspaper,

¹ *The Columbian Centinel*, August 8, 1807.

² Morison, *Harrison Gray Otis*, I, 284 (August 10, 1807).

³ Adams, *op. cit.*, IV, 35-6.

however, the *Morning Chronicle*, wrote : " The conduct of the commander of the *Leopard* was entirely unwarrantable. He had no right to search a vessel bearing the flag and commission of the United States." The facts of the search made by the *Leopard's* crew and of the engagement were stated correctly in the Press, although the views expressed were different. *The Times*, which preserved a fairly moderate but strictly national attitude, as the months went on spoke of war as a certain thing ; for instance : " The opinion of the City yesterday was more decidedly than it has been lately, that a war will finally take place between this country and America." ¹

The tone of the Foreign Office was a good deal better, but it was not pleasant. Canning, who was now Secretary of State for Foreign Affairs, did indeed admit to Monroe that " His Majesty neither does nor has at any time maintained the pretension of a right to search ships of war in the national service of any State for deserters." Otherwise his notes, perfectly civil in expression, had a sub-acid flavour which irritated Monroe and which could serve no conceivable good object. On October 29 (1807) Monroe left England, his diplomatic mission having proved unsuccessful. His colleague, William Pinkney, remained behind as Minister. The British Government, conscious that it was in the wrong, recalled Admiral Berkeley from the North American Station, and agreed in time to pay compensation for the attack on the *Chesapeake*—the compensation being actually paid over in 1811. The United States leaders, honestly anxious to avoid war, accepted the British disavowal of the *Chesapeake* affair, and peace continued to reign.

The next step of the American Government was very curious. Annoyed by Napoleon's Decrees of Berlin and Milan, and by the equally drastic British Orders in Council respecting neutral trade with such ports as were under French influence, Jefferson enacted his now celebrated *embargo*. The comment of *The Times* was moderate in tone and strictly truthful :

The perturbed state of Europe has produced a most singular act on the part of the United States of America, which is, in its nature and effect, if it can be carried into complete operation, little short of an absolute secession from the rest of the civilised world. The sweeping impartiality of the proceeding will, it may be conceived, leave Great Britain little subject of complaint ; yet it must be observed that though the prohibition of intercourse is general, its effects will be most

¹ *The Times*, January 26, 1808.

forcibly felt by that Power which partook in the greatest degree in the communications which are now interdicted. . . .

The two Houses of Congress, then, have passed a law, which has likewise received the sanction of the Executive, by which an embargo is laid, not upon foreign vessels, but upon their own, which are henceforth strictly prohibited from quitting their ports; while those of other Powers are immediately to clear out and take their final leave of America.¹

The suspension of all foreign commerce was felt to be a terrible measure by the Americans themselves, but it seemed impossible to find a middle course. The Committee of the House of Representatives which considered the President's plan and its effects reported: "There is no other alternative but war with both nations [i.e. France and Great Britain], or a continuance of the present system."²

The Embargo Act was not successful. As *The Times* pointed out, ways would be discovered to evade it. There is nothing like the artificial security created by a Government prohibition for putting up prices and profits. The enterprising profiteer and smuggler found ways to circumvent both the Embargo Act (or Acts, for there were three) on exports from America, and the old Non-importation Act of 1807, which was now legally declared to be in force. The compulsory idleness of most of the American ships had one unlooked-for result: British sailors who had been sailing in American bottoms now joined British ships again. The embargo on export also helped to bring about what has been called the "first decay"³ of the old Virginian society. Unable to get ready money by exporting tobacco or wheat, the Virginian planter aristocracy, which went on buying their luxuries and also the necessities of estate-upkeep, got deeper and deeper into debt. Even in the days of unrestricted exportation of tobacco, slave-labour scarcely paid for its maintenance.

The Embargo policy was costly, irritating, ineffective. When Jefferson ended his second term of being President in March, 1809, he had lost all his popularity, at any rate in the New England maritime States. His successor, Madison, was bound to try and liquidate the Jeffersonian system, if he could find an honourable means of doing so. He found the British Foreign Office in a conciliatory frame of mind. The British Minister at Washington, Erskine, was given

¹ *The Times*, January 27, 1808.

² *American State Papers, Foreign Relations*, vol. III, 261 (dated November 22, 1808).

³ Channing, *op. cit.*, IV, 391.

instructions to negotiate a Treaty ; Great Britain would withdraw the Orders in Council as regards America, if the United States would withdraw their prohibition of American waters to British warships, would renew commercial intercourse with Great Britain, while maintaining the Non-intercourse Act against France, and would recognize the Rule of 1756. A Treaty (April, 1809) was accordingly drafted along these lines and signed, with the exception that the Rule of 1756 was not mentioned ; but as non-intercourse was being enforced against France, the effect of the Rule of 1756 was achieved. The draft treaty was thereupon dispatched across the Atlantic. When it reached the Foreign Office, Canning rejected it.

If the Erskine Treaty had become law, the United States would surely have been driven, through non-intercourse, into war with France. Was the rejection of Erskine's Treaty the great mistake of Canning ? Undoubtedly it was, and the reason is very difficult to see. Throughout the earlier part of the negotiation, in his dealings with Pinkney, the American Minister in London, his language and manner had been "in the highest degree conciliatory." He even hinted that Admiral Berkeley, the author of the outrage on the *Chesapeake*, might be brought to a court martial"¹ (although this never took place). It has been suggested that Canning was prejudiced against Erskine, because Erskine was a Whig ; but this can scarcely be the decisive reason. Nor, seeing that Canning had himself authorised the negotiation, can he finally have rejected it, because the London merchants feared the drop in prices, if commercial intercourse were re-established. Nominally, Canning refused the treaty because Erskine did not obtain, according to his Instructions, the assent of the United States to the Rule of 1756 ; but *in effect* the Rule would have been in operation if the Treaty had been accepted. The reason remains a mystery ; the certainty is that the rejection was a mistake. It made possible—and likely—the war of 1812.

Events were now clearly making for a war between the United States and Great Britain instead of between the United States and France. Indeed, an Anglo-American war might have occurred without surprising anyone, at almost any time after 1793. The Jay Treaty, which the Americans considered to be a very one-sided affair, had averted war for a time. After that the diplomacy of Rufus King at London, and of Robert Liston at Washington, had tided over

¹ *American State Papers, Foreign Relations*, III, 300 (Pinkney to Secretary of State).

many difficulties. The Monroe Treaty of 1806 (although it was never completed), and the Erskine Treaty of 1809 (although it also was still-born) had eased the tension. But the tension always reappeared. Great Britain, being engaged in a life-and-death struggle with France, could not afford to compromise much on the question of the neutral carrying trade and the question of impressing British subjects from American merchant ships. American writers assert too that the British naval manner was somewhat arrogant or "high-handed." They point to the thunderbolt that descended on the neutral State of Denmark in August, 1807, when the British Fleet simply seized the whole Danish Fleet, after a bombardment, lest Napoleon should take it himself. This action at Copenhagen, it is said, caused a shudder from St. Petersburg to Cadiz. A long wail of despair rose on the Continent, and was echoed back from America.¹

Canning did make an effort to counteract the bad impression left by his rejection of the Erskine Treaty. He recalled Erskine and sent F. J. Jackson on a special mission to Washington. Jackson had been attached, as a political officer, to the naval force which bombarded Copenhagen. This could not make him particularly welcome in neutral America. But he was not badly received. Personally he did not like Americans, but he was a trained diplomatist, and he carried on his mission correctly and without friction. He had come to Washington without proposals on the British part, but ready to receive American proposals, and "eventually to conclude a convention."² This attitude was insufficient to lead to a bridge between the Foreign Office and the State Department. After a month of negotiation, chiefly by way of lengthy notes, the affair was broken off by President Madison (November 8, 1809). Jackson's notes were, it must be admitted, rather lacking in blandness. He did not perhaps recognize that the State Department was quite as sensitive, and had a right to be as sensitive, as a European Chancery.

In this year 1810, a further step, on to the very verge of war, was taken. The Non-intercourse Act was expiring: it was replaced by a Bill called Macon Bill No. 2, because it was the second proposed by Congressman Nathaniel Macon. This Bill went through both Houses and became law. It was to this effort: that if, before March 3, 1811, one of the two belligerents should remove its restrictions on

¹ Henry Adams, *History of the United States* (1921), IV, 66.

² Secretary of State Smith to Pinkney, November 23, 1809, in *American State Papers, Foreign Relations*, III, 321.

neutral trade, the President should by proclamation enforce non-intercourse of commerce with the other. It was therefore only necessary for Napoleon to withdraw, in favour of the United States, the Decrees of Berlin and Milan ; he would thus automatically bring about a condition of affairs between the United States and Great Britain which was practically certain to mean war. Of course, the British Government could have withdrawn the Orders in Council before Napoleon should withdraw the Berlin and Milan Decrees. Unfortunately the Foreign Office now under the Marquess Wellesley instead of George Canning, was not conducted with statesmanship, and the Prime Minister, Spencer Perceval, an honest lawyer and sound Churchman, had no imagination and no great driving power.

Napoleon was not slow to thrust his wedge between Great Britain and the United States. On August 5, 1810, his Minister of Exterior Relations, the Duc de Cadore, wrote to John Armstrong, American Minister at Paris, "that the decrees of Berlin and Milan are revoked, and that after the 1st of November they will cease to have effect." This concession was illusory : a Congressman's commentary on it was that the decrees were dead on August 5, and would cease to live on November 1.¹ As a matter of fact, no formal edict of revocation was issued, although the Continental System, the "self-blockade" of the Napoleonic Empire, was to some extent relaxed in favour of America. The letter of the Duc de Cadore was enough for President Madison. On November 2, 1810, he issued a Proclamation of Non-intercourse with Great Britain, to take effect in three months if the British Government did not meanwhile withdraw the Orders in Council.

For another month or two negotiations went on in London, William Pinkney trying to persuade the Marquess Wellesley to concede the American demand. But Wellesley, although he was recognized as having one of the best heads in Great Britain, was not very suave in manner.² He refused to believe that Napoleon had really withdrawn the Decrees of Berlin and Milan. Although his view was correct, it did not make his attitude any more pleasing to Pinkney, who asked for his passports and left London on February 28, 1811. The United States, without any representative at London,

¹ Channing, *op. cit.*, IV, 414.

² In later years, the Swiss Minister at Paris said that "Wellesley is one of the best heads in England, but appears to have against him a too pronounced taste for dissipation" (*Bundesarchiv Berne, Paris*, 1822, August 16).

drifted closer and closer to war. On March 2, the Non-intercourse Act against Great Britain passed into law. When Augustus J. Foster came out from the Foreign Office to Washington to arrange the belated compensation for the affair of the *Leopard* and the *Chesapeake*, he found that the President and the Secretary of State "seemed to have forgotten all about the *Chesapeake*." ¹

Shortly before, in May (1811), a British frigate, the *Guerrière*, had impressed a British seaman from an American merchant ship off Sandy Hook. When this came to the ears of the Secretary of the Navy Department he ordered the U.S. frigate *President* to go out in pursuit of the *Guerrière*. Towards sunset the *President* came up to a British ship which it took for the *Guerrière*, and hailed it. The British ship hailed back: "What ship is that?" "What ship, I say?" shouted the American captain. It is disputed who fired first. There was a flash in the dark, and the two ships then bombarded each other until night put an end to the conflict. In the morning Captain Rodgers, of the *President*, learned that the ship was the British sloop-of-war *Little Belt*, and that it was now almost wholly disabled, and had thirty-two men dead or wounded.² The ridiculous and tragic incident salved the offended pride of the Americans; it made them feel that their Navy too could act with the high hand, just like Captain Humphreys, of H.M.S. *Leopard*. But this feeling was not conducive to peaceful negotiations.

The British Government, through their Minister at Washington, Augustus J. Foster, behaved in this instance with perfect calmness and courtesy. It accepted the explanations of Secretary of State Monroe, without doing more than mentioning "a most unaccountable difference . . . between the statement of the commander and officers of the *Little Belt* and those of the *President* as to the firing of the first gun."³ At the same time Foster and Monroe, by an exchange of notes, closed the ancient incident and ended the grievance arising out of the affair of the *Chesapeake* and the *Leopard*.⁴

The American Secretary of State was now James Monroe, who had returned to his Virginian home from England in 1807, thoroughly convinced that the Foreign Office was all wrong; at the same time,

¹ Channing, *op. cit.*, IV, 448.

² McMaster, *History of the United States*, III, 404-5. *American State Papers, Foreign Relations*, III, 471-99.

³ *American State Papers, Foreign Relations*, III, 409 (Foster to Monroe, October 24, 1811).

⁴ *Ibid.* (Notes of October 30, 31, November 1, 12).

being an honest man, he felt that the other foreign offices with which he had had experience (Paris and Madrid) were no better. When President Madison called Monroe to be Secretary of State the eminent Virginian made up his mind that America would stand no more indignities from Europe : Great Britain in particular must withdraw the Orders in Council. General Sérurier, Napoleon's active Minister at Washington, was watching affairs keenly. "The exasperation is so great against England," he wrote on January 2, 1812, "that if the *Constitution* should arrive to-morrow with the news of the removal of the differences which subsist between H.M. the Emperor and the Republic, war will be infallible." ¹

The Imperial Decree, exempting vessels of the United States from the Decrees of Berlin and Milan, had, conformably to the promise contained in the Duc de Cadore's letter, been issued on April 28, 1811 ; but American ships were still being captured by French ships. This was what Sérurier wished to see stop. So did the Duc de Bassano, Napoleon's Secretary of State. He wrote from Vilna (where he had gone in the wake of the Moscow Expedition) to the *Ministre de la Marine* at Paris, protesting against the seizures.² "Everything," writes Sérurier from Washington, "marches towards war, with more rapidity than could have been expected of this Government." But he adds : "It fears to engage in war with England before being sure of France. . . . Your Excellency can well imagine that I write all that is fitting to dissipate the fears which can be entertained on our part in a moment so decisive."

President Madison admitted in conversation with Sérurier that the American merchants, although they objected to the Orders in Council prohibiting trade with Europe, did at the same time like the freedom that they enjoyed of trading with Great Britain. For during the Continental War the British Government naturally relaxed the Navigation Acts, and encouraged the Americans especially to ship wheat to the British Isles ; and the British Navy saw to it that the American ships should have as safe a passage as possible. Therefore, if Napoleon really revoked the Decrees of Berlin and Milan in favour of America, so that the United States, being already able, under British law, to trade with Great Britain, could trade also with the French Empire (from which the Decrees of Berlin and Milan shut

¹ Sérurier to Duc de Bassano, January 2, 1812, in *Archives du Ministère des Affaires étrangères États-Unis*, 67).

² Bassano to Minister of Marine, Vilna, July 6, 1812, in *Arch. Aff. étr.*, *ibid.*

them out), "the war in which we are engaging with England would be very imprudent and without reasonable object." It would only stop the profitable American grain-trade with Great Britain, a trade to which the American merchants were greatly attached. "But this mercantile avidity," added Madison, "will not prevent them from making war if the Orders in Council are not recalled."

Everything points to the conclusion that, although there was much irritation in the United States with Great Britain, nobody was really greatly in favour of war.¹ People were afraid that the British Government (which was supposed to be doing badly in Portugal) would withdraw Wellington's army from the Peninsula, and throw all its military strength against America. Moreover, the Americans could not in any case actually ally themselves with Napoleon because "the Imperial Power is for these doubting Republicans a terrible monster which enables them to see in a new alliance only a disguised servitude." Nevertheless, "they have, when all is said, the feeling of inferiority in a struggle, *corps à corps*, with the British Colossus, and I see them very disposed to an arrangement for co-operation with His Imperial Majesty, providing that it has not the outward and obligatory character of an alliance."²

It was only a combination of bad luck and bad management on both sides that brought on the War of 1812. The attitude of the Foreign Office was steadily becoming more conciliatory, almost friendly in fact. In January, 1812, the quiet, sensible Castlereagh had replaced the capable but dictatorial Wellesley at the Foreign Office. The financial and economic strain of the war with France was growing terribly serious, and nobody wished to make it worse by going to war with America and so stopping that trade too. The pressure of the City of London was now all in favour of the recall of the Orders in Council. Then a crazy Liverpool broker murdered the Prime Minister, Spencer Perceval, in the lobby of the House of Commons, on May 11, and the Government was thrown into confusion. Lord Liverpool became Prime Minister, and the Government was in working order again by June, 1812. On the 16th it was publicly announced that the Orders in Council would be suspended, and on the 23rd the suspending ordinance was issued. There was no telegraph to flash the news to America.

On the other side of the Atlantic events were moving swiftly. On

¹ Cp. Henry Adams, *History of the United States*, VI, 224.

² Sérurier to Bassano, January 12, 1812, in *Arch. Aff. étr. États-Unis*, 67.

June 1 President Madison recommended to Congress a declaration of war, and on June 18 the measure passed through both Houses. The unhappy Administration had almost involved itself in war with the two great combatants at once. "I can assure Monseigneur," writes Sérurier from Washington to Napoleon's Secretary of State, five days after the declaration, "the bitterness which has developed against France is really such that if the policy of the [American] Government had not arrested the movement in the Chambers, during the secret deliberations, war would have been declared against both Powers."¹

¹ Sérurier to Duc de Bassano, June 23, 1812, in *Arch. Aff. Étr. États-Unis*, 67.

CHAPTER V

THE PEACE OF GHENT

David Hartley had years earlier foreseen that the United States would not maintain its connection with France ; and that the maritime strength of Great Britain, her power of moving troops across the ocean, made her as suitable for friendship with the Americans as she was unsuitable for enmity.¹ The common interest of the two countries was peace.

The War of 1812 came upon Great Britain at a time of cruelly hard pressure. The long drawn-out war with Napoleon was still undecided. The *Grande Armée* had started on its march towards Moscow, and no one could say whether this would not prove the last blow to a tottering world. In Great Britain credit was low, food and raw materials were getting short ; the military adventure into the Peninsula had not yet turned out to be a success. In 1811 Napoleon had said to the Abbé de Pradt : " In five years I shall be master of the world." ² The Anglo-American War of 1812 brought this frightful prospect still nearer.

It was practically only the subject of impressment that stood between America and Great Britain, for the Orders in Council were suspended at the same time as the war broke out. Even the impressment of British seamen from American merchant-ships (which was all that the British claimed), although naturally mortifying to American dignity, was not otherwise a very serious affair : apparently less (perhaps far less) than 5,000 men in all had been thus impressed since 1793. Three important shipowners of New England, whose evidence was taken in 1812, could only remember five men in their crews to have been pressed.³ Besides this question, there was another which, once the war had started, kept the war-feeling fairly

¹ Hartley to Secretary of State for Foreign Affairs, June 2, 1783 (F.O. [4] America, 2).

² De Pradt, *Histoire de l'Ambassade dans la Grande Duché de Varsovie*, p. 22 (see Mowat, *The Diplomacy of Napoleon*, p. 243).

³ See Channing, *op. cit.*, IV, 482.

hot for a time ; this was the hope among the Americans that they might conquer Canada. But the defence of the Governor, Sir George Prevost, and of Major-General Brock, with their few regular troops and the Canadian militiamen, showed the tremendous difficulties in the way of this.

The Secretary of State, Monroe, was the most determined supporter of the idea of a fight to a finish. Yet, as early as October 21, 1812, Monroe confided to Sérurier at Washington : " The English wish for peace with America ; they wish it at any cost ; they offer all that America demands, and negotiations are going to open, or rather are continuing, and henceforth openly." ¹ Yet the war went on, for in 1812 and 1813 the Americans had still a chance of taking Canada. The British Canadian successes in 1813, at Châteauguay (October) and Crysler's Farm (November), practically settled this question. The last big American attempt, under Generals Jacob Brown and Winfield Scott, failed in the action at Lundy's Lane, July 25, 1814. After that the British forces had the initiative. The release of British troops from the Peninsular War, now happily concluded, enabled an Expeditionary Force to be sent to the Chesapeake River. With this Major-General Ross took the capital, Washington (August 24, 1814), while Sir George Prevost, Governor of Lower Canada, threatened New York, before he was defeated at Plattsburg on Lake Champlain (September 11, 1814). Clearly the times were ripe for peace. It had already been made between the Allies and France in Europe, at Paris on May 30, 1814. The French Empire was at an end, and Napoleon was away in Elba.

The strange Anglo-American War is almost unique in the annals of diplomacy, by reason of the fact that peaceful contact was never really broken off. When the American Government declared war it had no representative in Britain ; but as soon as hostilities began it sent one, Jonathan Russell, who was giving up the Paris Ministry (August, 1812). He at once started conversations with the Secretary of State, Lord Castlereagh. But the British Government could not agree to " desist from its ancient and accustomed practice of impressing British seamen from the merchant ships of a foreign State " ² ; and the Americans had still chances of taking Canada. It was not until August, 1814, that Peace Commissioners assembled at Ghent.

¹ Sérurier to Bassano, October 21, 1812, in *Arch. Aff. étr. États-Unis*, 67.

² *American State Papers, Foreign Relations*, III, 590 (Castlereagh to Russell, August 29, 1812).

The Commissioners on behalf of the United States were Albert Gallatin, John Quincy Adams, Henry Clay, James A. Bayard, and Jonathan Russell. Their high level of ability was contrasted with the mediocrity of the English Delegation.

Albert Gallatin was perhaps the most remarkable of the Ghent Commissioners. President Madison said that "there was nobody compared to him as a negotiator."¹ He was born in Geneva in 1761, and belonged to one of the old, cultivated bourgeois-patrician families which made Geneva, intellectually and materially, so opulent. After a brilliant course at the University of Geneva, Gallatin, out of pure love of freedom, went to America in 1780, and took his chance of sinking or swimming in the unsettled conditions of colonial society. He saw a little service in the last years of the War of Independence, and combined this with ventures in trade and with a spell of teaching French at Harvard College. He was a member of the Constitutional Convention of 1787, made money by buying land in Virginia, was elected to the United States Senate, and in 1801 became Secretary to the Treasury. This important post Gallatin held until 1813. He made a name as one of the foremost financiers and political economists of the age. He was insistent, in season and out of season, in strengthening the control of the Treasury Department over all the spending of the Government, and before the War of 1812 put an end to his economies he had reduced the public debt by one-half. Gallatin looked like a Geneva pastor, bald-headed, rugged, firm-lipped. He dressed in clothes of severe black, and wore a stock collar. He was unselfish, public-spirited, honest, eager for the honour of his adopted country, and not afraid to blame it, when (as in the Mexican War, thirty years after this) he thought his country was wrong.

The second American Commissioner was John Quincy Adams, who from the age of fifteen held one or other official post until he was sixty-one, when he ended his term as President of the United States in 1829. After this wonderful official career, an equally great, or even greater, career was left to him as a member of the House of Representatives until the year 1848. Adams was a grim Puritan, although he had received a cosmopolitan education, such as should have made him a citizen of the world. At the age of eleven he was taken to Paris by his father, the great John Adams, and put to school there,

¹ *A Great Peacemaker; The Diary of James Gallatin*, edited by Count Gallatin (1914), p. 2.

during the American War of Independence. In 1780 he went to Holland, when his father became Minister to that country. After some schooling at Amsterdam, he attended the University of Leyden, and studied for two years. Next, when an American Minister was sent to St. Petersburg, the young Adams, aged fifteen, went off from Leyden as Secretary to the Petersburg Legation. After a little over a year in Russia he came back to Paris, to take part with his father in the peace negotiations that ended with the Treaty of Versailles of 1783. When those exciting official experiences were over, John Quincy Adams decided to go to Harvard College to complete his education, instead of proceeding to London where his father was the first American Minister to the Court of St. James. Graduating from Harvard in 1788, he adopted the profession of law, wrote for the newspapers, and in 1797 was appointed Minister to Prussia. In 1802 he came back from his various missions and began practising law at the Boston Bar. He was chosen to represent Massachusetts in the Senate, and was one of the staunchest defenders of America's rights on the sea. In 1809, after a year or two as Professor of Literature at Harvard, he was made Minister to Russia, where he stayed throughout the period of Napoleon's Moscow Campaign. When the Anglo-American War of 1812 broke out, the Tsar Alexander I offered his mediation, which the United States accepted, but the British Government refused. Instead, Great Britain proposed a direct negotiation, and out of this proposal came the Conference of Ghent, with John Quincy Adams summoned from St. Petersburg as a Commissioner. Adams was rough in manner, obstinate, uncompromising. But he was absolutely straightforward, fair-minded, clear-sighted. Such a man was sure to get the best terms for his country, because he would fight to the last for what he felt to be fair, but would never try to get an undue advantage out of his opponents.

The third American Commissioner was Henry Clay, Speaker of the House of Representatives. Clay is considered to have been America's finest orator, then or at any time. He was one of the great Virginians, not indeed a man of much education, but of great natural capacity. He had risen through the positions of store-keeper and law-clerk to be a leading barrister, Senator, finally member of the House of Representatives and Speaker. An ardent patriot, he had led the war party in Congress in 1811, and throughout the War of 1812 he was incessant in his efforts to keep the

spirit of the people keen in the face of the disappointing results of the hostilities. In appearance he was a typical American, with high cheek-bones, large forehead, prominent nose, wide, humorous mouth, keen eyes. His manners were open and vivacious, his voice pleasant, his words persuasive. At Ghent he proved to be a stiff opponent of Great Britain.

The last two American Commissioners were not so eminent as the first three, but their talents were respectable. James Asheton Bayard was one of the best-known orators and constitutional lawyers of the United States, and in the Senate he had opposed the declaration of war against Great Britain in 1812. Jonathan Russell had served at the Legation in Paris, and had the reputation of being a sound diplomatist. He was a skilful writer of notes and dispatches, and perfectly competent for the work of a Commissioner at Ghent. It must be admitted that the American Five made a very strong team; but they were not all personally perfectly agreeable to each other, and there was some internal quarrelling which must have impaired the Commission's efficiency. The American delegation was lodged in the Hôtel d' Alcantara (corner of the Rue des Champs), an exquisite house in the best style of the period *Louis Quatorze*.¹

The first British Commissioner was Admiral Lord Gambier, whose best-known exploit was the bombardment of Copenhagen and the capture of the Danish Fleet in 1807—an episode which could not ingratiate him with the Americans, intent on the assertion of neutral rights. He was not one of Britain's great sailors, and had required "whitewashing" by a friendly court martial for his failure off the Basque Roads in 1809.

Henry Goulburn, the second British Commissioner, was a respectable politician, a member of the Tory governing class. In later years he was a sound, though not brilliant, Chancellor of the Exchequer; but at the time of the Treaty of Ghent he was only Under-Secretary for War. The third British Commissioner was Doctor William Adams, Fellow of Trinity Hall, Cambridge, a lawyer especially learned in Admiralty law. He was put on to the British delegation especially to deal with the laws and customs of maritime commerce, and he had sole charge of preparing the notes and dispatches on this subject. The American Commissioners suspected that the mediocrity of the British delegation meant that

¹ *Diary of James Gallatin*, p. 27, with contemporary drawing.

the British Government did not really wish to make peace.¹

The Treaty of Ghent took nearly five months to make, and when it was completed it settled none of the controversial points over which the War of 1812 was fought. Nevertheless to say this is not to condemn it, for it was a good treaty, and has proved to be the basis of over one hundred years of peace.

The negotiations in Ghent began at 1 p.m. on August 8, 1814, at the Hôtel des Pays-Bas. This choice of meeting-place was itself a concession on the part of the British delegates, who wanted the conferences to be held in their own lodgings, at the Hôtel Lion d'Or.² Ghent had recently become part of the dominions of the Prince of Orange. The quiet Flemish city, with its ruined but still magnificent mediæval castle, its ancient gild-halls, and its pleasant, domestic houses of the Austrian period, was a congenial environment for diplomatic negotiations. It was in neutral territory; there were no excitable populace, no political clubs or parties, no *coulisses* of political intrigue. The British and American delegations exchanged their full powers, and opening speeches were made by the First Commissioners, Lord Gambier for Great Britain, John Quincy Adams for the United States. It was clear to everybody, in Ghent and elsewhere, that the Anglo-American War could not go on much longer: the cessation of the Great War in Europe and on the high seas had automatically ended the British Orders in Council, and had made the questions of impressment and the right of search of no practical interest. Nevertheless there were difficult points to settle between the negotiating delegations. The British delegation had the advantage of never being out of touch with their home Government. On August 18 Castlereagh, the Secretary of State for Foreign Affairs, himself visited the Conference, on his way to the Congress of Vienna. The American delegation had to rely on its written instructions, dictated by Secretary Monroe, three thousand miles away, at Washington.

The chief difficulty in the way of a speedy signature of peace-terms was, on the British side, that the British Government claimed the *uti possidetis*, that is, all the territory that each side might be in possession of at the time of signing peace.³ It must be borne in mind that no armistice was signed during the negotiations: the

¹ *The Diary of James Gallatin*, p. 29.

² See Updyke, *Diplomacy of the War of 1812* (1915), 198.

³ *American State Papers, Foreign Relations*, III, 732.

war went on all the time, and the British Government, now freed from the Great War in Europe, expected with its veteran Peninsular Army to make important conquests in America. At a critical period in the negotiations the Government asked the Duke of Wellington if he was willing to take command in the war. He replied that he had "no objection" to going to America, but did not promise to himself much success there; for what was required was not so much a general, as "a naval superiority on the Lakes"; and this the British High Seas Fleet could not command. This reply damped the ardour of the British Government for insisting on territorial cessions in America.¹

On the American side the claims were perhaps more extravagant. Monroe's instructions included an injunction to the American Commissioners to endeavour to obtain the whole of Canada.² He regarded the cession as the only sure means to avoid future collisions between inhabitants on each side, and consequently war.² Yet Monroe could not have asked more if the American army had been in Montreal and Quebec, or even in London, whereas it was the British who were in Washington in the August of 1814. Another instruction was that the abandonment by Great Britain of the claim to search American ships and to impress seamen from them must be demanded. Other troublesome points were that the British Government insisted on the restoration of the right of British subjects to navigate the Mississippi, while the Americans demanded to be restored to their privilege of inshore fishing off Nova Scotia and Newfoundland. These claims had been conceded in the Treaty of Versailles of 1783, but the War of 1812 had either suspended or suppressed them; and the Law of Nations had no clear answer then (nor has it now) to the question whether ancient treaties die or merely lapse during war.

The British and American Governments, however, were not so far apart in point of view as they seemed to be. Secretary Monroe, although a determined man, and not very well disposed towards Great Britain (nor, indeed, towards any European Power), was shrewd and sensible, in many respects like the sensible and matter-of-fact Castlereagh. In his last Instructions (dated June 27, and August 11,

¹ Updyke, p. 306.

² Updyke, p. 179. The demand for Canada was suppressed in the published version of Monroe's Instructions in *American State Papers, Foreign Relations*, III, 695-702.

1814) which arrived at Ghent just after the Conference had opened Monroe authorised the American delegation to leave the question of impressment out of the treaty. At the same time his omission to mention further the annexation of all Canada enabled John Quincy Adams and his colleagues to put aside that rather fantastic idea. When, on the other hand, the British Commissioners brought forward Castlereagh's plan for the creation of an independent Indian State in the north-west, John Quincy Adams replied definitely that this could not be considered, because it was a point quite unconnected with the causes of the war which were solely under discussion. The British Commissioners then dropped the idea of a separate Indian State: attractive as the plan was to humanitarian sentiment, the State, if it had come into existence, would have been a centre of political intrigue from the outside, and internally would have been hopelessly mismanaged. The Indians have fared better in their Reserved Territories.

The greatest obstacle to peace was one of the American Commissioners, Henry Clay. He was a Southerner, deeply interested in the political and economic situation on the Mississippi. All through his active life he had advocated a system of fiscal protection for the United States, in order that American industries might be developed without injury from foreign competition. Now he fought to keep the Mississippi for the Americans, and said in a moment of heat in the Conference that anything else would make only "a damned bad treaty."¹ But the British Commissioners firmly kept the question of the British on the Mississippi inseparable from that of the inshore fisheries, and in the end both points were silently passed over: they do not appear in the Peace Treaty.

The conciliatory attitude shown by both sides towards the end of the negotiations, which alone made the conclusion of a satisfactory peace possible, was probably largely due to Gallatin among the American Commissioners, and to the Duke of Wellington at London throwing his weight in the direction of peace. The Duke's commanding influence was just the sort of backing that Castlereagh desired. Gallatin's son, James, makes a curious entry in his Diary under the date of November 23, 1814. He writes:

To-day father received a private dispatch from the Duke of Wellington. I have only just seen it. It is marked "Strictly confidential."

¹ J. Q. Adams, *Diary*, December 14, 1814, in *Memoirs of John Quincy Adams*, edited by C. F. Adams (1874), III, 118.

It is couched in the most friendly terms, assuring father that he has brought all his weight to bear to ensure peace. He goes on to say : "As I gather, Mr. Madison as well as Mr. Monroe gave you full power to act, without even consulting your colleagues, on points you considered of importance. I now feel that peace is shortly in view. Mr. Goulburn has made grave errors and Lord Castlereagh has read him a sharp lesson."

Father burnt this dispatch and does not even know that I have recorded it. I wanted to copy it, and was doing so when he took it off the table and burnt it.¹

The final drafts were signed on Christmas Eve in what was formerly the refectory of the Chartreux Monastery, at this time the hotel of the British plenipotentiaries. The hour was a few minutes before half-past six o'clock.² John Quincy Adams describes the closing scene :

Lord Gambier delivered to me the three British copies, and I delivered to him the three American copies, of the treaty, which he said he hoped would be permanent ; and I told him I hoped it would be the last treaty of peace between Great Britain and the United States.

Next day, being Christmas, the British Commissioners "very civilly" invited their American colleagues to dinner, and gave them roast beef and plum pudding brought from England.³

On January 5, the British and American delegations were entertained by the Government in the Hôtel de Ville. All the negotiators went in uniform ; the banquet began at 5 p.m. John Quincy Adams sat next to Mr. Goulburn. A band played *Hail, Columbia* and *God save the King* alternately throughout the dinner, until both British and American plenipotentiaries agreed that it became tiresome. There were about ninety people present at the dinner, which lasted for five hours. John Quincy Adams gave the last toast : "Ghent, the city of peace ; may the temple of Janus, here closed, not be opened again for a century !" ⁴ To his wife he wrote : "I consider the day on which I signed it [the Peace] as the happiest of my life."⁵

The strange Treaty of Ghent, of which it has been frequently

¹ *The Diary of James Gallatin*, p. 34.

² *The Diary of Albert Gallatin*, p. 35. Ford, *The Writings of J. Q. Adams*, V, 253. C. F. Adams, *The Memoirs of J. Q. Adams*, III, 126.

³ *The Diary of James Gallatin*, p. 35.

⁴ J. Q. Adams, *Memoirs*, III, 139.

⁵ December 30, 1814, in Ford, *The Writings of John Quincy Adams* (1915), V, 256.

said that it settled nothing, was "the most popular agreement the United States has ever made."¹ It was a curious instrument to end a great war with, for it mentioned and dealt with none of the grounds of the war. The student will search in vain through its clauses for any mention of the right of search, of impressment, of blockade, or of the neutral flag. In fact the treaty seemed to have nothing to do with the war, except for the formal clauses which stated that hostilities should cease, and that prisoners should be restored. On the other hand, the two Governments took the opportunity of the peace negotiations to settle certain difficulties which were standing grounds of irritation; and in dealing with these points, the Commissioners provided for the regular resort to arbitration in every case. Thus the Treaty of Ghent was the foundation of that elaborate structure of arbitrations which has since solved so many disputes between Great Britain and America, and has made for the peace of the world.

Article 1 was the peace clause, but with a certain difference from the regular type. It declared: "There shall be a firm and universal peace between His Britannic Majesty and the United States." This clearly only referred to the present war, and was different from the clause (or aspiration), "there shall be *perpetual* peace," which usually graced article 1 of peace-treaties. The *status quo ante bellum* was adopted as the basis of settlement, not the *uti possidetis* which the British had claimed. All places taken during the war were to be returned to whichever side possessed them before the war. An exception was made with respect to the islands in the Bay of Passamaquoddy, of which the right of possession had remained in doubt since the Treaty of Independence of 1783. The islands were to remain in the hands of whichever party had them at the time of the ratification of the [Ghent] treaty, until the question should be settled either by *ad hoc* Anglo-American Commissioners or by arbitration. Article 4 provided for the appointment of commissioners and for arbitration in case of difference. This dispute was actually settled by the selected commissioners, Thomas Barclay for Great Britain, and John Holmes for the United States, in a decision made at New York, on November 24, 1817. Three islands, Moose, Dudley, and Frederick, were assigned to the United States: the others were assigned to Great Britain.

Article 2 laid down an equitable rule about prizes taken at sea

¹ Hill, *Leading American Treaties*, p. 131.

after the ratification of peace, but before news of the ratification might reasonably be expected to have reached the fighting-ships. Prizes taken on the Atlantic coast more than twelve days after the ratification were to be restored ; for other distant parts, periods of 40, 50, 60, 90 and 120 days were allowed, within which capture, without the necessity of restoration, would be recognized. The date at which the ratifications were actually exchanged in Washington was February 17, 1815.

By article 3 prisoners of war were to be exchanged, "on their paying the debts which they may have contracted during their captivity." No provision was made concerning the cost of repatriation. The United States contended subsequently that the side which held the prisoners should bear the cost of their transportation. This would have penalised the side which had taken most prisoners. On April 6, 1815, the prisoners were still in durance. There was an attempt to break out from Dartmoor Prison, and five were killed and thirty-three wounded, all of these being seamen from United States warships or privateers. The incident, according to the style of that day, was called in American official documents "The Massacre at Dartmoor Prison."¹ Eventually, on April 19, 1815, it was agreed, on the proposal of the British, to share the expense of repatriation equally between the two Governments.

Article 4 dealt with the boundary dispute respecting the Passamaquoddy Islands, and article 5 with that respecting "the north-west angle of Nova Scotia," arising out of the Treaty of 1783. In both cases arbitration was provided for, if the commissioners failed to come to an agreed decision. Similarly articles 6 and 7 dealt with the ambiguous "water-line" along the St. Lawrence and the Great Lakes, and provided for an Anglo-American boundary commission, and for arbitration in case of difference. Another article (No. 9) decreed the cessation of hostilities between Great Britain or between America and the tribes of Indians who had joined one side or the other. Such tribes were to be restored to their privileges and possessions as in the year 1811, before the war began.

In article 10 the two Governments seized the occasion of the Peace Conference to agree that they would use their best efforts to procure the abolition of the slave-trade as being "irreconcilable with the principles of humanity and justice." Great Britain had already abolished the traffic in slaves throughout her empire by

¹ *American State Papers, Foreign Relations*, IV, 19 ff.

Act of Parliament of 1807. Congress legally abolished the importation of slaves in 1808. The internal traffic in slaves in the United States was not affected by this Act, nor by the Treaty of Ghent. Article 10 therefore really bound the two Governments to endeavour to procure the abolition of the traffic in slaves as permitted by the other Powers of the world. By the first Peace of Paris, May 30, 1814, Great Britain had already induced the Bourbon Monarchy of France to engage itself for the same purpose. About six weeks after the close of the Ghent Conference, the Eight Powers assembled at the Congress of Vienna signed a wish (*vœu*) to put an end to the traffic, "a scourge which has so long desolated Africa, degraded Europe, and afflicted humanity." ¹

The last article of the Treaty of Ghent declared that the Treaty would be binding on both Parties when it had been ratified by each without alteration. Any ratification by the Senate with reservations would cause the whole Act to lapse and never to come into operation. The British Parliament, in accordance with the constitutional practice of the time, was not given the Treaty to discuss. It was duly ratified by the Prince Regent on January 7. Similarly the Senate approved it on February 15, which was the day after the Treaty reached Washington. After the Treaty had been signed at Ghent, but before it had reached America, a pitched battle was fought outside New Orleans between the British Expeditionary Force, under Major-General Pakenham, and the American troops, under General Andrew Jackson. Pakenham was killed along with 700 of his men (January 8, 1815). In subsequent wars the electric telegraph has saved such wastage of life and effort, but they were not uncommon in those days. Wellington, a few months earlier, had fought a pitched battle with Soult outside Toulouse a week after Napoleon had signed the deed of abdication under pressure of the victorious Allies. It is a curious fact that the battle of New Orleans, the last fought between Great Britain and America, took place in time of peace. Its only practical result was that the victory was worth the Presidency to Andrew Jackson, fourteen years later.

The Treaty of Ghent did not settle the disputed questions which had caused the War of 1812. It left them to settle themselves. Great Britain never again had occasion to search American ships in order to impress British subjects into the Navy. The question

¹ *Declaration of the Eight Powers, Vienna, February 8, 1815 (Hertslet, Map of Europe by Treaty, I, p. 60).*

as to what constituted a blockade was found later to be one which the Americans themselves were not anxious, in their own interest, to have precisely answered. The questions of contraband and the rights of neutral trade cropped up again vigorously in the Civil War, and in the World War of 1914-18. But it was not the fault of the Ghent Commissioners that these questions were not dealt with in the Treaty, for the British Cabinet simply could never have accepted a treaty which settled the questions of contraband and the neutral flag against their maritime interests. No nation (at any rate at the end of a merely *drawn* contest) could be expected to sign away its means of survival in any great war that should come about in the future. The Treaty of Ghent was a successful peace-treaty because by it neither party imposed its will on the other. They had both won the war, in a sense, so each came out of it with a treaty that did not contradict the war-aims of either.

CHAPTER VI

THE FRIENDLY CONVENTIONS

With the Peace of Ghent at the end of the War of 1812-14, there was an end also of the period of bad feeling between the British and American Governments. From the signing of the Treaties of Independence in 1782-83 to the signing of the Treaty of Ghent in 1814, there was mutual suspicion and irritation. But in the War of 1812-14 both Powers "found themselves"; they had each proved to be a good match for the other in the fight, and in the final settlement neither had to suffer the mortification of defeat. There were no rankling sores left. There were, indeed, plenty of boundary questions still unsettled; but population was sparse, land was not greatly prized, and controversies about quite large blocks of territory were looked upon merely as matters concerning "rectifications." It is true that one of the best European judges of public affairs said that Great Britain now saw, "not without terror," serious dissensions and "perhaps an inevitable war" with the United States, "a formidable rival."¹ But statesmanship on both sides averted this calamity.

After 1814 the official relations of the Foreign Office and the State Department were usually smooth and reasonably friendly. The type of ministers sent from the Court of St. James to Washington improved: before this time Liston was the only thoroughly qualified and first-rate diplomatist sent, although Erskine, who had little previous experience, proved himself to be perfectly capable for the post. After 1814 there was a succession of capable British Ministers at Washington: Charles Bagot, Stratford Canning, Charles Vaughan, Lord Lyons. From the American side there were John Quincy Adams, Richard Rush, James Buchanan, Charles Francis Adams.

At the Foreign Office, American affairs, for a time at any rate,

¹ *Dépêches inédites du Chevalier de Gentz aux Hospodars de Valachie*, edited by Prokesch-Osten (1876), I, 364 (written in 1818).

bulked largely. The tone of Castlereagh's dispatches was always admirable, but that of Canning had, during his first period as Secretary of State (1807-1809), been somewhat acid, or sub-acid. In his second period, from 1822 to 1827, the tone of his dispatches was on the whole friendly. Thus the effect of the War of 1812 was to draw the Governments of Great Britain and of the United States closer, in the very period, curiously, when the *literary* relations of the two peoples were becoming worse. For this is the time when British travellers took to visiting America and writing about it; when Captain Basil Hall wrote *Travels in North America*, 1827-28, and Mrs. Frances Trollope wrote her *Domestic Manners of the Americans*. On their publication these works caused considerable mortification in America,¹ although actually they displayed Old-World prejudice rather than ill-nature. Mrs. Trollope's conclusions at least were, on the balance, rather favourable to the Americans. Yet readers of Mark Twain's *Life on the Mississippi* (1883) will note how they still rankled in the last half of the nineteenth century. Even Captain Hall paid a tribute generous, if a little condescending, to the new nation when he wrote: "I must do the Americans the justice to say that they invariably took my remarks in good part." At any rate no exception could be taken to the tone of the Foreign Office, which from 1815 showed real sympathy and a good deal of discernment in its "contacts" with the United States.

An immediate result of the Treaty of Ghent was the negotiating of a commercial treaty between the two Governments. To obtain this result, John Quincy Adams, Gallatin and Clay crossed from Ghent to London, and met in conference two of their Ghent *vis-à-vis*, Mr. Goulburn and Dr. Adams, to whom was added Frederick John Robinson. This last was Vice-President of the Board of Trade and Plantations, and was a capable economist, being known later, when Chancellor of the Exchequer, as "Prosperity Robinson," and later still as Lord Goderich, and finally Earl of Ripon. He was inclined to free-trade, and would have agreed to modify the Navigation Acts in favour of the Americans, but the opinion of the Cabinet and of Parliament was not ripe for such a change.

The Commercial Convention signed on July 3, 1815, gave liberty to each nation to enter any ports or rivers to which foreigners were

¹ See, for example, *A Review of Captain Basil Hall's Travels in North America*, by an American (London, 1830).

permitted to come (article 1). It also enacted (article 2) that :

No higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce or manufacture of his Britannic Majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of his Britannic Majesty in Europe of any articles the growth, produce or manufacture of the United States, than are or shall be payable on the like articles . . . of any foreign country.

Thus neither Great Britain nor the United States was to discriminate between their treatment of each other and their treatment of other countries. But the Treaty went further : it also enacted that :

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States ; nor in the ports of any of his Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

So there was to be no advantage given to British shipping over American in British ports, nor to American over British shipping in American ports. This equal treatment went on until 1920, when it was put an end to by the American Merchant Shipping Act.

The rule of equal treatment for American and British ships in British ports applied only to European waters. In Great Britain's colonial possessions the Navigation Acts continued in force until 1849, although after 1830 a *modus vivendi* or informal agreement gave American ships certain concessions : American ships were permitted to trade directly with the ports of the United States and Calcutta, Madras, Bombay, and Prince of Wales Island. In American waters British ships enjoyed equal treatment with Americans under the 1815 Convention, but this did not apply to coastal shipping, which has always been a legal monopoly of the local marine.¹

It is clear from the Convention of July 3, 1815, that the United States and Great Britain were both friendly and liberal in their commercial outlook. As the century went on, the commercial policy of Great Britain became more and more liberal, while that of the United States, from the year 1816, grew, although not by regular stages, ever more restrictive. But in 1815 the Government

¹ By the Embargo Act of 1808 and the Navigation Act of 1817 ; see *The Old Merchant Marine*, by Ralph D. Paine (1920), p. 190.

of the United States had not adopted protection as the guiding principle of its economic policy. Among the commissioners at London, only Henry Clay advocated the necessity of building up home industries under a system of protection. Gallatin was a free-trader, of the school of Adam Smith. The outlook of John Quincy Adams was almost wholly political. He welcomed the Convention of 1815 as another course of bricks in the structure of Anglo-American good relations. On taking leave, Mr. Goulburn said, "Well, this is the second good job we have done together." "Yes," replied Adams, "and I only hope we may do a third, going on from better to better." ¹

Mr. Adams was the regular Minister Plenipotentiary to the Court of St. James, after the War of 1812-14. He had come over from Paris in May, 1815, and had already found the negotiation for the commercial Convention going on in the hands of Clay and Gallatin. The residence of Adams during his London mission was No. 67 Harley Street. Messrs. Baring, the banking firm of Bishopsgate-within, were the business agents through whom the American Government transmitted its dispatches. The American Minister was received hospitably into the social life of London. He notes in his Diary that seven o'clock was the usual hour of dinner "at this end of the town," but apparently it was the custom of people (sometimes even the host and hostess) to arrive very unpunctually, so that dinner was really at a later hour. After dinner perhaps two hundred or three hundred more people might arrive. There would be neither dancing nor card-playing, but the whole company, packed into two rooms, would pass a couple of hours "in looking at one another and occasional conversation among their respective acquaintances." ²

The British Minister to Washington was Charles Bagot, who took up his appointment after Adams came to London. It so happened that both ministers kissed the hands of the Prince Regent at the same levee, Adams on presenting his credentials, and Bagot on receiving his appointment. "The Prince," writes Adams, "in speaking to him [Bagot], remarked that it was on the same day that I had presented my credentials. By which he intended me to understand that the friendly advances of the United States had been met with the utmost promptitude." Lord Castlereagh, the Foreign Secretary, and Lord Liverpool, the Prime Minister, were

¹ J. Q. Adams, *Memoirs*, III, 248.

² *Ibid.*, 207.

very polite and frank with Adams.¹ Besides private dinners and official dinners from the Cabinet Ministers, the banquets of the Lord Mayor and of the City Livery Companies were already an established part of diplomatic life. Adams, like his successors at London, had to answer many toasts and to make many after-dinner speeches. In 1817 Adams was called back to America to be Secretary of State to President Monroe. He left Cowes, in the Isle of Wight, with his family, in the ship *Washington*, on Sunday, June 15.

Before he left Mr. Adams already had put in train a negotiation at London, which was successfully carried to completion in Washington. The affair had begun with a proposal forwarded by James Monroe, when Secretary of State, to Adams, to the effect "that some understanding should be had, or agreement entered into, between the two countries, in regard to their naval armaments upon the Lakes." Mr. Adams, having brought the matter to Lord Castlereagh's notice, received the reply that, "His Royal Highness the Prince Regent will cheerfully adopt . . . any reasonable system which may contribute to the attainment of objects so desirable to both States."² The proposal of Secretary Monroe, as transmitted through Mr. Adams, had not contained any precise scheme. Accordingly, it was referred for practical working out of the details of an agreement to Charles Bagot, His Majesty's Minister at Washington.

Charles Bagot was one of Canning's circle of friends. His portrait shows him as a tall, dignified, handsome man, with a noble head, and an aristocratic presence. He was born in 1781, the second son of Lord Bagot, of Bagots Bromley, and was educated at Rugby and Christ Church, Oxford. Like the well-connected young men of the Tory governing class, he entered the House of Commons early as member for a "pocket borough," in this case Castle Rising, Norfolk, and almost at once was made Under-Secretary of State for Foreign Affairs. Canning, who then became his close friend, was Foreign Secretary. After one session of Parliament he took up the career of diplomacy. It was on July 31, 1815, that he was appointed Minister to the United States, after having been Minister to France in 1814.

Bagot was a very charming, hospitable and cultivated man. In

¹ *Memours*, III, 219-21, 259.

² See Bagot to Monroe, July 26, 1816, in *American State Papers, Foreign Relations*, IV, 203.

Washington (although he did not like American politics) he created the best impression, and began, in an unostentatious way, an enduring work of reconciliation after the war. When his American mission was over Bagot became Ambassador to St. Petersburg; later he was Minister at The Hague. He ended his life (in 1843) as Governor of Canada, famous for making a beginning in the system of Responsible Government. It was to him, while at The Hague attempting to arrange a treaty of commerce, that Canning sent from the Foreign Office the celebrated "rhyming dispatch," in a mysterious cypher that caused its recipient many anxieties before he made it out and saw the joke.¹ Great Britain could not have sent a better representative to America after the war than this straightforward, courteous gentleman.

The British Minister Plenipotentiary took up the negotiations at the end of July, 1816. Everything went smoothly. A courteous and frank exchange of notes took place between the British Legation and the State Department. Secretary Monroe in a Note of August 6, 1816, stated that the object of his proposal was to lessen the expenses on each side, and likewise to guard against collisions. There followed a definite offer from President Madison to limit the American forces on the Lakes, provided that the British Government did the same, to one vessel of not more than one hundred tons burden on Lake Ontario, to two vessels of like burden on the upper Lakes, and one on Lake Champlain. Bagot did not regard himself as competent to conclude an agreement of so drastic a nature, so he referred the matter home, but offered to agree with the American Government for the mutual suspension in the meantime of all further construction and equipment on the Lakes. On his own authority Bagot then obtained from Canada a statement of the existing British Lakes Forces, and this statement he communicated at once to the State Department (November 4, 1816). It showed that Great Britain had at the moment on the Lakes twenty-six armed ships, of which the largest could carry a hundred

¹ Canning's dispatch was dated at the Foreign Office, January 31, 1826, and was marked *Separate, Secret, and Confidential*. When deciphered it ran:

In matters of commerce the fault of the Dutch
Is offering too little and asking too much.
The French are with equal advantage content,
So we clap on Dutch bottoms just 20 per cent.

See *A Paper read before the Royal Historical Society*, by Sir H. Poland, November 16, 1905 (printed at London, 1905).

and ten guns, and the smallest one gun. But one of the largest ships was returned as "condemned as unfit for service"; another as "hauled up in the mud: condemned likewise"; and a third as "unequipped, being merely used as a barrack." Ten others were "laid up in ordinary." Evidently the British Government was not trusting much to its naval forces on the Lakes. The American Government likewise disclosed the condition of its Lakes Forces.

In 1817, before the affair was concluded, Secretary Monroe had become President. Richard Rush was Acting Secretary of State, pending the coming of John Quincy Adams from London. By April Bagot had received fresh authority from the Foreign Office, and proceeded to conclude the Lakes Agreement with Rush. It was contained in a Note written by Bagot, and dated at Washington on April 28, 1817:

His Royal Highness, acting in the name and on behalf of His Majesty, agrees that the naval force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is:

On Lake Ontario, to one vessel, not exceeding one hundred tons burden, and armed with one eighteen-pound cannon.

On the Upper Lakes to two vessels, not exceeding like burden each, and armed with like force.

On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force.¹

All other armed forces on the Lakes were to be forthwith dismantled. The agreement could be denounced by either party after giving six months' notice.

Next day Secretary Rush replied, *mutatis mutandis*, with a note of identical agreement, and the President put forth the agreement in public in the form of a proclamation. Since then the Lakes Agreement has been observed on both sides, and its spirit has extended to the whole frontier between Canada and the United States, which along its extent of 2,800 miles is entirely undefended.

After this auspicious agreement was concluded, Rush, having given over the State Department to John Quincy Adams, took up his appointment as Minister to the Court of St. James. He embarked at Annapolis on November 19, 1817, and arrived off the Isle of Wight on December 16. He had with him his wife, four small children, a young secretary, and three servants. Although

¹ *American State Papers, Foreign Relations*, IV, 205-6. Malloy, *Treaties*, 628-9.

Rush was the son of a Surgeon-General of the American Revolutionary armies, and although he himself had been an ardent supporter of the war-policy of 1812-14, yet he had a profound fellow-feeling with the British people. In his account of his mission to London, at that point of the story where he narrates his first stepping ashore, he pauses to reflect on the common ties between the British and American peoples. The idea of England, he writes, inspires the American with emotion from his earliest years :

Her fame is constantly before him. He hears of her statesmen, her orators, her scholars, her philosophers, her divines, her patriots. In the nursery he learns her ballads. Her poets train his imagination. Her language is his, with its whole intellectual riches, past, and for ever newly flowing ; a tie, to use Burke's figure, light as air, and unseen ; but stronger than links of iron.¹

Rush was the descendant of one of Cromwell's captains of horse, and he was proud of his English lineage, as, he says, every American is who can claim it. He tells with approval an anecdote about Captain Decatur, a hero of the War of 1812, whose grandfather was a French naval officer, *émigré* to America. "After Captain Decatur's capture of a British frigate, some one asked him if his forefathers were not French. 'No, I beg pardon,' he answered, 'they were *English*.'" Rush concludes his reflections on this theme of British and Americans with some remarks which read as if they were spoken only yesterday :

Is it not fit that two such nations should be friends ? Let us hope so. It is the hope which every Minister from the United States should carry with him to England. It is the hope in which every British Minister of State should meet him. If, nevertheless, rivalry is in the nature of things, at least let it be on fair principles. Let it be generous, never paltry, never malignant.

On landing at Portsmouth, the American Minister heard bells ringing. These same bells, he mused, might have rung for the victories of Hawke and Nelson—or a hundred years earlier for those of Sir Cloudesley Shovel. Rush was particularly pleased to find that they were ringing in honour of his own arrival. With a Minister so ready to be pleased with everything English, diplomatic relations were sure to be good.

At London Rush and his family had rooms in Conduit Street. His first interview with Lord Castlereagh, the Secretary of State,

¹ Richard Rush, *A Residence at the Court of London* (1833), pp. 11-12.

took place at the Foreign Office on December 23 (1817). The interview went off pleasantly. Lord Castlereagh inquired after the health of Secretary Adams and of President Monroe, both of whom he knew personally ; he commented on the prosperity of the United States, saying wisely that the prosperity of one commercial nation contributed to that of others. "There was a simplicity in his manner, the best and most attractive characteristic of a first interview." ¹

From this time matters went well. Rush and Castlereagh agreed to transact business by conversations, rather than by notes, in order to save time in reaching agreement. This was Castlereagh's own suggestion. The interviews took place sometimes at the Foreign Office, sometimes at Castlereagh's private house in St. James's Square. Rush himself soon left the rooms in Conduit Street, and took a furnished house, in what he calls the quiet, "ambassadors' quarter," immediately to the north of Oxford Street, near Portman Place. He attended many an official dinner when a Cabinet Minister entertained members of the diplomatic corps. At these dinners, in spite of the Napoleonic Wars, French ways, French cooking, were all the fashion. The British Cabinet Ministers spoke in French at the dinners, not merely to the foreign diplomats, but also among themselves, so as to show complete frankness and courtesy to their guests. Rush felt that he was among gentlemen who would not try to overreach him. For the Prime Minister, Lord Liverpool, he had the greatest admiration :

If Lord Liverpool was not the ablest man of the body [Cabinet], he was essentially its head. With a sound judgment improved by public affairs, he was fitted for the business of a nation. What he did not take in by promptitude, he mastered by perseverance ; not that he was deficient in the former, but that he paused upon his first conclusions. Systematic and grave, educated in maxims which he conscientiously approved, however others may have dissented from them ; courteous, yet inflexible ; with a personal character eminently pure, and a high reputation for official probity, his influence, as it rested upon practical qualities, went on to increase ; so that, during the whole term of my residence, I never heard that a change of ministry was for one moment seriously in contemplation. Such was the Premier whom I found and left in power.²

Rush also formed a favourable impression of the Prince Regent, who could be very friendly and charming, and was so to the

¹ Rush, *op. cit.*, p. 27.

² Rush, *op. cit.*, pp. 46-7.

American Minister. At the Regent's Receptions there were usually great numbers of generals and admirals, forty or fifty at a time. *They were nearly all wounded*—wanting a leg, an arm, or an eye. The common phrase was that they had *done their duty*. One scarred and battered hero, present at the first Reception, had fought in the battle of Saratoga, against the Americans, in 1777. Rush concludes: "Other nations chiefly fight on or near their own territory; the English everywhere."

In the summer of 1818 Rush and Castlereagh had conversations about a commercial treaty by which they designed to settle all outstanding difficulties. In order to strengthen the American mission, President Monroe ordered Gallatin, who was now Minister at Paris, to come to London. Rush and Gallatin went down on August 23 to Lord Castlereagh's country-house, North Cray, in Kent. The two British plenipotentiaries, Robinson and Goulburn, were also there. Informal conversations brought the various subjects of dispute to a decision. Between the Conferences, the delegates walked on the lawns of Cray, and breathed the odour of its sweet-briar hedges. "At dinner," at which Lady Castlereagh was present, "everything was talked of but the negotiation."

My colleague [Gallatin] and myself found ourselves at home. Invited for the purpose of fulfilling public duties to the house of an English Minister of State, entrenched in confidence and power, we found ourselves of his domestic circle, the partakers of a hospitality as easy as delightful.¹

The American commissioners had to leave North Cray next morning, which was Sunday. They stayed just long enough to see Lord and Lady Castlereagh start off for the village church, walking, followed by their servants.

The more formal and technical part of the negotiation was conducted at the Board of Trade in Whitehall. It issued in the Convention of October 20, 1818, signed by Gallatin and Rush for the United States, and by F. J. Robinson and Goulburn for Great Britain.

The preamble to the Convention stated that the object of the Contracting Parties was "to cement the good understanding which happily subsists between them." It was necessary to conclude some such convention because of the uncertainty about the rights or liberties of American subjects with regard to British trade,

¹ Rush, *op. cit.*, p. 309.

according to the Treaty of Versailles, 1783. The British Government contended that the concessions made to the Americans by that treaty had lapsed owing to the War of 1812-14. A "right," such as the concession of Independence in the Versailles treaty, did not lapse owing to subsequent war; but a "liberty," for instance a liberty to catch fish off Newfoundland, did lapse. The Americans disputed this view. In the end, without settling whether war made previous treaties to lapse or not, they agreed to define the liberties of American fishermen in British waters by the Convention.

Article 1 confirmed to the inhabitants of the United States, "for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind," on defined portions of the southern, western, and northern coasts of Newfoundland, and of the southern coast of Labrador. American fishermen were also to have the right to dry and cure fish in any of the unsettled bays, creeks and harbours of the prescribed southern portion of the coast of Newfoundland and Labrador. If any such places subsequently became settled, the American fishermen could only exercise the liberty of catching or drying fish through agreement with the inhabitants or proprietors of the ground. Outside these defined limits, the United States renounced for ever any liberty to take, dry or cure fish within three marine miles of any of the coasts, bays, creeks or harbours of His Britannic Majesty's dominions in America.

By Article 2 the forty-ninth parallel of north latitude was taken as the boundary between Canada and the United States from the Lake of the Woods to the Rocky Mountains. This definition of the frontier has proved to be perfectly satisfactory ever since.

Article 3 "tided over" a serious boundary-difficulty, and left future ages to find a peaceful solution. West of the Rocky Mountains lay the vast territory watered by the Columbia river, known later as the Oregon country, and comprising to-day the States of Oregon and Washington, and also part of what is now British Columbia. This country was claimed both by Great Britain and the United States. Gallatin and Rush proposed that the forty-ninth parallel, which was to divide British and American territory from the Lake of the Woods to the Rocky Mountains, should be continued westward from the Rockies to the sea. Goulburn and Robinson, however, were not prepared to agree to this definition.

Instead, they proposed that the territory in dispute, with all its rivers and harbours, should be open to the citizens of both States, without prejudice to the rights and claims of either Power, for the term of ten years. This proposal was adopted by Article 3, and was the basis of the so-called Joint Occupation of Oregon which lasted until the Ashburton Treaty of 1846.

Article 5 dealt with slaves carried off by the British in the course of the War of 1812-14, whose restitution was claimed by the United States under the Treaty of Ghent. The British and American Commissioners agreed (Article 5 of the Convention of 1818) to submit the matter to the arbitration of a friendly sovereign or State. The Tsar Alexander I of Russia was chosen, and he gave his award through his chief advisers, Nesselrode and Capodistrias, in 1822. It required another Convention, negotiated in 1826 by Gallatin for the United States, and Huskisson for Great Britain, to assess the value of the compensation due to the Americans at 1,204,960 dollars.

On one important point the Commercial Convention of 1818 was silent. By Article 8 of the Treaty of Versailles of 1783, it had been stipulated that the navigation of the Mississippi should "for ever remain free and open to the subjects of Great Britain and the citizens of the United States." The general claim of the British Government throughout the negotiations of 1818 was that the "liberties" conceded by Great Britain in the Treaty of 1783 lapsed owing to the War of 1812-14; and the American Government, on its side, was claiming that the War of 1812-14 in no way invalidated previous American treaty-rights. But with regard to the navigation of the Mississippi the point of view of the two Governments was reversed: the United States claimed that the concession of free navigation to the British no longer held good; while the British Government stoutly maintained that the concession was as good as ever.

In point of fact the American Government took its stand, not on the question whether the War of 1812-14 had invalidated the Mississippi concession, but on the ground that the concession of 1783 applied to a Mississippi of which the upper part was then the western frontier of the United States, while the lower part was in the possession of foreign Powers (France and Spain). Since then by the Louisiana Purchase the whole Mississippi had come within the territory of the United States, and therefore was uniformly subject to the laws and customs regulating trade along all the

American rivers. Yet at the time of the Louisiana Purchase, the British Government had declared expressly that it reserved its rights on the Mississippi.¹

While, therefore, not admitting the American argument, the British Commissioners allowed the question of the Mississippi to be passed over in silence in the Convention of 1818. The Americans since then have always treated the river as closed to foreign trade.

¹In answer to Rufus King's announcement of the Louisiana Purchase Treaty, Lord Hawkesbury replied that His Majesty was "pleased with the care which has been taken so to frame this Treaty as not to infringe any rights of Great Britain in the navigation of the Mississippi" (*The Columbian Centinel* for August 24, 1803). See also *The Frontier in American History*, by F. J. Turner (1921), pp. 189-194.

CHAPTER VII

THE MONROE DOCTRINE

James Monroe was the last of the great Virginians. He was born in 1758, educated at William and Mary College in Williamsburg, and, while still at College, volunteered for service in the War of Independence. He proved to be a capable and keen soldier, fought at Trenton and other important battles, was wounded, and gained the approbation of George Washington.

In 1794 Monroe was sent as Minister to France, but did not succeed in renewing the friendship between the United States and that country. He was recalled in 1796. A later mission to France in 1803 was a great success, when Monroe and Livingston together negotiated the Louisiana Purchase. A brief mission to London followed, and, afterwards, another to the Court of Madrid, where Monroe hoped to negotiate a Florida Purchase. In 1806 he was back at London, where he concluded a treaty of amity, which, however, his Government declined to ratify. He returned to the United States in 1807, rather a failure as a diplomatist, in spite of the brilliant Louisiana *coup*. His popularity, however, in the United States was undiminished. From 1811 to 1817 he was President Madison's Secretary of State ; in 1814-15 he also acted as Secretary of War and displayed great energy in organising the hostilities against Great Britain. In 1817 at the age of fifty-nine he became President of the United States, and held this high post for eight years, the Era of Good Feeling.¹

James Monroe was a man of sound judgment, strong will and lofty patriotism. He has left his mark deeply on the history of his country. This is no accident : for Monroe had the happy gift of timing things accurately. He did the right thing at the right

¹ The phrase, as first applied to Monroe's Presidency, was *The Era of Good Feelings*. It appears in a notice written about Monroe's tour through Massachusetts, in *The Columbian Centinel*, July 12, 1817.

moment. This is the reason why his otherwise simple gifts have made him one of the world's statesmen.

The experiences of Monroe as Minister to the Courts of Paris, London, Madrid, had inspired him with a profound distrust of European policies. The Secretary of State, John Quincy Adams, was an equally travelled and experienced man, and no more pre-possessed than the President with the ways of Europe. It was he, indeed, who greatly contributed to stiffen Monroe's attitude ; it is now generally held that Adams was the author or joint-author of the Monroe Message. This, however, cannot deprive the President of the honour of adopting the " doctrine " and uttering it at the right time.

The affairs of Europe had often impinged upon America. But not since the War of Independence, not even during the War of 1812-14, had America exercised any striking influence upon Europe. She was henceforth to exercise even less. The United States was going to warn off Europe from further contact with America, and thereby was going positively to disclaim any interest in Europe.

The occasion of the Monroe Message was the revolts of the Spanish Colonies. The Central and South American Colonies had thrown off their allegiance to Spain and had been fighting for independence since the latter years of the Napoleonic Wars. The example of the United States, the influence of the French Revolution, and the paralysis of the Spanish Government through the intervention of Napoleon in Spain in 1808, had combined to bring about these revolts. By the end of the year 1822, Colombia (which included Venezuela and Ecuador at that time) had in actual fact made good its claim to independence, while Peru and the Argentine were in a fair way to do so.

The United States had already succeeded in inducing the Spanish Power to leave North America entirely. Following upon the Louisiana Purchase in 1803 came the question of a possible purchase of Florida. This country had been a Spanish colony down to the Peace of Paris which ended the Seven Years' War, and which transferred the colony to Great Britain. At the Peace of Versailles, in 1783, Florida was retroceded to Spain, which at the same time got Louisiana from France. The Emperor Napoleon, however, made Spain give back Louisiana to France in 1800, and three years after this he sold the province to the United States, with the same frontiers that it had while under Spain. According to this last clause, the United States claimed that the purchase of Louisiana included West

Florida, and so occupied the territory as far east as the Perdido river. During the disorganised period of the Spanish Empire owing to the Napoleonic Wars, President Madison was able to enforce the occupation almost without arousing protest (1810). After this, incidents were always occurring on the frontier between Americans in West Florida and Spaniards or Indians in East Florida.

During the War of 1812-14, a British force, commanded by Lieutenant-Colonel Edward Nicholls, landed in East Florida, captured Pensacola, and stirred up the Indians and Spaniards against the Americans of West Florida and Louisiana.¹ The Peace of Ghent, terminating the Anglo-American War, put an end to these official British operations in the Floridas. But an Englishman, Robert Christie Ambrister, who had been a lieutenant-colonel of marines in Nicholls' force, remained behind, a disturbing power in East Florida. To him was added Alexander Arbuthnot, who first came as a trader to Florida in 1817. These two men became powerful among the Seminole Red Stick Indians, who were engaged in a frontier war with the Americans of West Florida.

In the spring of 1818, General Andrew Jackson, the hero of the Battle of New Orleans, was ordered by President Monroe to take charge of the operations against the Seminoles. Accusing the Spaniards of breach of neutrality and of fostering the Seminole War, Jackson invaded East Florida, captured St. Marks, where he made Ambrister a prisoner, and then proceeded to Suwanee, where he found Arbuthnot. The two Englishmen were tried by court martial for aiding the Indians and for making war against the United States, and were both executed, Ambrister being shot, Arbuthnot hanged. The incident caused great indignation in Great Britain, and was the subject of conversations between Castlereagh and Rush. The American Government refused to give any satisfaction, Secretary Adams vigorously maintaining that Ambrister and Arbuthnot were properly dealt with according to the Law of Nations.

Meanwhile the result of Andrew Jackson's expedition was that the Americans remained in nominal possession of East as well as of West Florida. The Spanish Government consented to treat for cession. On February 22, 1819, through the good offices of Hyde de Neuville, French Minister at Washington,² terms were at last arranged, and both the Floridas, East and West, were recognized as belonging to the United States, in return for certain financial and

¹ *American State Papers, Foreign Relations*, IV, 539-612. ² *Ibid.*, 625.

commerical advantages. The amount of financial compensation to Spanish interests was about five and a half million dollars.¹

The next step in the expropriation of Spain by the United States was the recognition of the independence of the rebel Spanish American colonies. These had already been recognized as regular belligerents of a civil war, and their ships had been admitted to the ports of the United States. On March 8, 1822, President Monroe took the decisive step of sending a message to Congress, recommending that each Spanish colony which had made good its liberty should be recognized as an independent nation. The recommendation was accepted, and the Committee of Ways and Means of the House of Representatives reported a bill to appropriate one hundred thousand dollars, to enable the President to give effect to the recognition.²

The condition of international politics, as regards both Europe and America, was giving much anxiety to the Government of the United States. On September 7, 1821, the Tsar Alexander I of Russia issued a *Ukase* defining the Russian territory in North America (Alaska) as extending from Behring's Straits to the fifty-first parallel (i.e. southward, to include a portion of Vancouver Island); more than this, he claimed to own the adjacent sea to a distance of one hundred Italian miles from the shore (i.e. English miles); and foreign ships were absolutely forbidden to trade within this limit. Against both the claims the British and the American Governments naturally and vigorously protested; and the Russian Government was induced, in Conventions of the years 1824 and 1825, to withdraw the *Ukase*.³

The British and American protests had not been made in concert, but the two Governments understood each other well enough with regard to the European situation. These were the days of the Holy Alliance, concluded by the Sovereigns of Russia, Prussia, and Austria (September 26, 1815), and subsequently adhered to by the King of France, but not by the British Government. The object of the Holy Alliance was to preserve peace through the maintenance of the monarchical principle in Europe. It was in accordance with the views of the Holy Alliance that France intervened by force in 1823 against the Spanish revolutionaries who were demanding a Constitution; a

¹ *American State Papers, Foreign Relations*, IV, pp. 623-6. ² *Ibid.*, 818.

³ *Dispatches of the Duke of Wellington*, second series (1867), I, 287, 311-12. Hall, *International Law* (ed. 1917), p. 152. The text of the *Ukase* is given in *American State Papers, Foreign Relations*, IV, 857.

French army restored Ferdinand VII to his autocratic power (May, 1823).

The French designs did not stop at Madrid or at the suppressing of rebellion in Cadiz. Chateaubriand, who was the French Minister of Foreign Affairs, had the intention of interfering in the struggle between Spain and her rebel colonies in Cuba and Porto Rico. He had a notion too that French Bourbon princes might be established in those Spanish colonies which had already gained practical independence—Mexico, Peru, and Buenos Ayres.¹

This plan came to nothing, partly because the French Government was not itself very heartily in favour of it, partly because the Spanish King Ferdinand VII refused to consider the detachment of any part of his empire in favour of Bourbon princes, and partly because the British Government absolutely opposed itself to any idea of French intervention in the New World. Lord Castlereagh had died in August, 1822, and George Canning was now Secretary of State for Foreign Affairs. In October, 1823, the Army of the Duc d'Angoulême was still in Spain, ready, if occasion demanded or permitted, to embark on transports for the New World. Canning held conversations with the Duc de Polignac, French Ambassador in London. It was not very difficult to persuade the French Government to disclaim any intention of interfering in South America. On October 9 Polignac stated categorically that France "abjured, in any case, any design of acting against the Colonies by force of arms."² So any plan of European intervention in America was definitely abandoned by the middle of October, 1823.

During this eventful summer of 1823, Canning had been anxious to associate the Government of the United States with Great Britain in a joint declaration against European intervention. This project for what would have been nothing less than an Anglo-American *entente* was opened to Rush by Canning in a memorable conversation at the Foreign Office on August 16, 1823. Mr. Rush began the discussion by some words on the French invasion of Spain. He said :

Should France ultimately effect her purpose of overthrowing the constitutional Government of Spain, there was, at least, the consolation left that

¹ See S. E. Morison, *Les Origines de la Doctrine de Monroë*, in *Revue des Sciences Politiques*, tome 47, January-March, 1924, p. 70.

² *British and Foreign State Papers*, 1823-4, vol. XI, pp. 49-53. The suppressed parts of the Polignac Memorandum are given in the *Cambridge History of British Foreign Policy*, vol. II, Appendix B.

Great Britain would not allow her to go further and stop the progress of emancipation in the colonies. . . . On my intimating this sentiment, Mr. Canning asked me what I thought my Government would say to going hand in hand with England in such a policy ? He did not think that concert of *action* would become necessary, fully believing that the simple fact of our two countries being known to hold the same opinions would, by its moral effect, put down the intention on the part of France, if she entertained it. This belief was founded, he said, upon the large share of the maritime power of the world which Great Britain and the United States shared between them, and the consequent influence which the knowledge of their common policy on a question involving such important maritime interests, present and future, could not fail to produce on the rest of the world.¹

Canning was all the more eager for a joint Anglo-American declaration, because the Holy Alliance Powers were going to hold a Congress to arrange for mediation between Spain and the South American Republics ; and this Congress would meet, even if France gave up all design of active intervention in South America.

Rush had no authority to accept Canning's proposal. His instructions (dated 1818) from Secretary Adams obliged him to demand from the British Government, concurrently with the United States, a recognition of the independence of the South American Republics. The British Government was not really averse from such recognition. It had relaxed the Navigation Acts in favour of the South American Republics, and its general attitude, as Castlereagh wrote just before his death, amounted to a "recognition, *de facto*, which now substantially subsists."² But, in 1822, the Foreign Office took the view that legal recognition should not be accorded without a previous explanation to Spain and the Allies. To this view Canning adhered in 1823. Probably this was not merely because he wished to spare the susceptibilities of Spain, but also because the Old Tories in the Cabinet and Parliament disliked the idea of a *de jure* recognition of republican rebels.

Although Canning would not consent to recognize the South American Republics, *de jure*, as the United States had already done, there was still a good chance that the United States Government would accede to his proposal for a joint declaration against possible European intervention. Rush sent off his dispatches. They reached Washington on October 9, at the same time as Canning persuaded

¹ *The Court of London from 1817 to 1825*, by Richard Rush (1873), pp. 361-3.

² Instructions to the Duke of Wellington, proceeding to the Congress of Verona, *Wellington Dispatches, second series*, I, 287.

Polignac to disavow any idea of intervention. Monroe and Adams did not know about this, and it is impossible to say whether the President seriously believed in the imminence of a French expedition, but the Secretary, apparently, did not.

Monroe received the dispatch when he was on the point of leaving Washington for Oakland, his Virginia home. He took it away with him, and sent copies to the two former Presidents, Jefferson and Madison, who were each passing the tranquil evening of their days on their Virginian estates, Monticello and Montpelier. "Three old men, of whom one had composed the Declaration of Independence, another had written the Federal Constitution, the third had fought under Washington, meditated, each one on his own Virginian mountain, this grand question of foreign policy."¹ The advice of Jefferson and Madison was that Canning's offer should be accepted, and that a joint Anglo-American declaration should be made.

Secretary Adams, however, was all against the idea of association with Great Britain. He believed that this would bring the United States into the European System; he foresaw too that the joint declaration which Canning proposed would probably take the form of a declaration of *disinterestedness* in America: that is to say, a declaration on the part of Great Britain and the United States, that they would not allow European Powers to acquire territory at the expense of Spain and that they themselves, on their part, would observe the same abstinence. Such a self-denying ordinance would tie America's hands for the future, and would prevent the annexation, for example, of Texas or Cuba. Adams was particularly interested in the idea of an early annexation or incorporation of Cuba in the United States. So, for one reason or another, he firmly opposed the notion of joining with the British Government in a declaration on the Spanish-American question. He found Monroe open to admit his reasoning, but John C. Calhoun, the Secretary of War, who expected to have to meet a French Expeditionary Force, was more difficult to persuade. A fresh dispatch from Rush, who suspected, although he did not know of, the existence of the Polignac Agreement, settled Calhoun's doubts.² It was clear that

¹ S. E. MORISON, *op. cit.*, p. 74. For Jefferson's conversance with European politics, during his old age and retirement, see letter of Lafayette to him, dated December 20, 1823, in *Massachusetts Historical Collections*, Seventh Series (1900), vol. I, p. 330.

² MORISON, *op. cit.*, p. 78. Cp. Rush, *op. cit.*, p. 417: "The knowledge that England would oppose, at all hazards, hostile plans upon Spanish America."

the United States would not have to fight France, and an *entente* with Great Britain was not necessary.

It was under the influence of Adams' reasoning—that the United States must stand clear of the European System, that she should keep the field open to herself for future annexations, and that there was no immediate danger of an attack from Europe—that Monroe issued his fateful Message of December 2, 1823. The handwriting was that of Monroe: the expressions were in his own style, formed in the school of diplomacy, but the ideas were those of Adams. They expressed definitely, and apparently once and for all, the determination of the United States to keep clear of the entanglements of Europe, and to isolate North and, if possible, South America politically from the rest of the world.

The Message of December 2, 1823, is not exclusively concerned with European affairs. It begins with a general paragraph :

Fellow-citizens of the Senate and House of Representatives :

Many important subjects will claim your attention during the present session, of which I shall endeavour to give, in aid of your deliberations, a just idea in this communication. I undertake this duty with diffidence, from the vast extent of the interests on which I have to treat, and of their great importance to every portion of our Union. I enter on it with zeal, from thorough conviction that there never was a period since the establishment of our Revolution when, regarding the condition of the civilised world and its bearing on us, there was greater necessity for devotion in the public servants to their respective duties, or for virtue, patriotism, and union in our constituents.

Next follows a statement of the confidence which the Government has in the people :

The people being with us exclusively the sovereign, it is indispensable that full information be laid before them on all important subjects to enable them to exercise that high power with complete effect. If kept in the dark they must be incompetent to it. We are all liable to error, and those who are engaged in the management of public affairs are more subject to excitement, and to be led astray by their particular interests and passions, than the great body of our constituents, who being at home in the pursuit of their ordinary avocations, are calm but deeply interested spectators of events, and of the conduct of those who are parties to them.

After this comes a survey of the various questions of public import : questions concerning frontier-delimitation and commerce, arising out of the Treaty of Ghent ; claims of private citizens against

the French Government, arising out of confiscations during the Napoleonic Wars ; the conflicting interests of Russia and the United States in the North-West of America ; the African slave-trade ; “ the essential amelioration to the condition of the human race which would result from the abolition of private war on the sea ” ; the appointment of ministers to the Republics of Colombia and Buenos Ayres ; the condition of the finances of the United States ; the impending redemption of a large part of the Revolutionary War Debt ; the condition of the Army and the Military Academy of West Point ; a punitive expedition against the Ricaree Indians ; the condition of the Navy ; the destruction of pirates in the Caribbean Sea with the co-operation of Great Britain and Spain ; the extension of the postal-system ; the necessity for Tariff-revision ; the project for a canal from the Chesapeake to the Ohio ; good wishes to the Greeks in their struggle for independence. After this lengthy catalogue of questions, foreign and domestic, with appropriate information, comes a single paragraph, which is the statement of the famous Doctrine :

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different from what we then anticipated. Of events in that quarter of the globe with which we have so much intercourse, and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favour of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European Powers in matters relating to themselves we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defence. With the movements in this hemisphere we are, of necessity, more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their (*sic*) most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candour, and to the amicable relations existing between the United States and those powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere

as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States. In the war between these new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed, by force, in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers ; to consider the government *de facto* as the legitimate government for us ; to cultivate friendly relations with it, and to preserve those relations by a frank, firm and manly policy, meeting, in all instances, the just claims of every power ; submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness, nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference.

It may be that the United States has got peace and quiet and prosperity from the decision to remain outside European politics. It is, however, permitted to an historian to regret that Canning's idea was not tried too, if only for a brief experiment, to see how an Anglo-American *entente* would work in the world. The War of 1812-14 had terminated the bad period of Anglo-American relations. The animosities left by the War of Independence, the claims and counter-claims, the "debit balances" of the old Colonial period, had been to a large extent liquidated ; and mutual prejudice had substantially

disappeared from the Foreign Office and the State Department. The United States was no longer dependent on the oscillations of European policy ; she was strong enough to take her own line, free to enter the European community of States as a participating member, or to stay outside.¹ Her governors decided to stay outside, and their attitude, as expressed in President Monroe's Message, has quite properly become known as the Monroe Doctrine, for it has through time become something like an article of faith, and has the satisfying quality of an accepted dogma.

"Equal and exact justice to all men ; peace, commerce and honest friendship with all nations, entangling alliances with none"—such was the policy for the United States outlined in President Jefferson's Inaugural Address. President Monroe's Message went further ; it not merely rejected the idea of an entangling alliance with Great Britain—it "warned off" the Powers of the Old World from the New. But it was not Monroe alone who did this, nor Adams : they were both impelled by the deep, instinctive feelings of their people. It was the danger to their free institutions, menaced as they thought by the Holy Alliance, by "the principles of European solidarity"—that made the Americans offer a repellent front to Europe and goes far towards explaining their subsequent continuous tendency towards isolation."²

The Monroe Message attracted a considerable amount of attention in Europe. Chateaubriand was a little perturbed at it, and thought that it could only have been issued either with the support of Great Britain, or in order to please Great Britain. The Austrian Ambassador at Petersburg, Lebzeltern, wrote to Metternich that the Message had excited a great sensation at the Russian capital : he added that it contained the seed of future trouble for England. Metternich in his reply attacked the Message, and said that the Powers must take measures "to prevent the children of Europe from becoming the adults of America." But President Monroe told Addington at Washington that in his view the policies of Great Britain and the United States were really the same.³

¹ Cp. the remarks of C. R. Fish, *American Diplomacy*, p. 186.

² W. P. Cresson, *Diplomatic Portraits* (1924), proface.

³ All the information in this paragraph is taken from the article by Temperley, *Documents illustrating the Reception and Interpretation of the Monroe Doctrine in Europe*, 1823-4, in *The English Historical Review*, October, 1924. For Adams' policy before 1823, see Temperley, *The Foreign Policy of Castlereagh* (1925), pp. 437-453.

CHAPTER VIII

THE TWO CANNINGS

The apprehension with which the United States viewed the condition of the Old World was not without reason. The suppression of the Spanish Constitutional movement by the Duc d'Angoulême's army seemed to portend a similar effort against the constitutionalist republics of South America. The *Columbian Centinel* for January 7, 1824, reported from its Paris correspondent that "vessels of war and provisions were about to be sent to Cadiz, and that transports to carry twenty thousand infantry and two thousand cavalry were to be furnished to Spain by different Powers of Europe, and to rendezvous at Cadiz."¹ The same paper drew a comparison between the establishment of an Empire under Don Pedro of Braganza in Brazil and the *coup d'état* of Napoleon Bonaparte in *Brumaire*, 1799.

The Message of Monroe, therefore, was something more than a curt and decisive rejoinder to Canning's proposal for an Anglo-American Entente. It was a declaration of the extension of the policy or "system" of the United States to the whole American continent, South as well as North. Canning was bound to accept the first implication of the "Doctrine" (he used this expression himself from the beginning), but he was not tamely going to submit to the second. He was indeed apprehensive of the possible formation, under the leadership of the United States, of a Pan-American "bloc" against Europe—"a division of the world into European and American, Republican and Monarchical, a league of worn-out governments on the one hand, and of youthful, stirring Nations, with the United States at their head, on the other."² He was further determined not to yield to the prohibition, which the Monroe Message

¹ *Columbian Centinel*, January 3, 1824.

² Canning to J. H. Frere, January 8, 1825, quoted by Temperley, *The Foreign Policy of George Canning* (1925), pp. 158-9; cp. Temperley, *Cambridge History of British Foreign Policy*, II, 74.

seemed to assert, against any new effort at colonisation in America by a European Power. "How could America be closed to future British colonisation, when America's geographical limits were actually unknown?" He put the case succinctly to Rush: "If we were to be repelled from the shores of America, it would not matter to us whether that repulsion was effected by the ukase of Russia excluding us from the sea, or by the New Doctrine of the President excluding us from the land. But we cannot yield obedience to either."¹ The idea in Canning's mind when he spoke of possible "future British colonisation" was the vast unappropriated territory of Oregon, which was for the time being open equally to the citizens both of Great Britain and the United States, under the Convention of 1818. Accordingly, the British Government was careful to refrain from any sort of assent to the Monroe Doctrine, and has never admitted it. The Doctrine therefore is something like the ancient claim which England had to be "lord of the Narrow Seas"—an intelligible policy which the country was perfectly at liberty to maintain provided that it was strong enough to do so, but which could in no way be reckoned as a part of the Law of Nations.

In his effort to prevent the United States, after the issuing of the Monroe Message, from gaining the hegemony of the South American States, Canning was completely successful. The first thing to be done was to induce the British Cabinet to take the step which had so often been talked of, namely, to recognize *de jure* the independence of the South American Republics. The old Tories were still against this, and Canning had to threaten to resign before he could gain his point. However, before the year 1824 was out he had succeeded, and on December 17 he was able to write to Granville (Ambassador at Paris): "The deed is done. The nail is driven. . . . Spanish America is free, and if we do not mismanage our affairs sadly, she is English."² The fact of Great Britain's recognition of "those countries of America which appear to have established their separation from Spain," was announced to the world in the King's Speech in Parliament on February 3, 1825.³

This act went greatly to strengthen the impression which the

¹ Quoted by Temperley, *Cambridge History of British Foreign Policy*, II, 73. Cp. Temperley, *The Foreign Policy of George Canning*, p. 128.

² Quoted by Temperley, *op. cit.*, II, 74.

³ Hansard, *Parliamentary Debates*, vol. XII, 1825, p. 4. See also Paxson, *The Independence of the South-American Republics* (1903), p. 240 ff.

publication of the Polignac Memorandum (March, 1824) had already made concerning the South American States. The Memorandum proved that the British policy of "non-intervention" (which meant the preventing of other Powers as well as of Great Britain from intervening in any State's domestic disputes) was extended to the constitutional struggles of South America as well as of Europe. The South American Republics were already well inclined to Great Britain, on account of the hard-fighting British legion which followed the flag of Simon Bolivar, and on account of loans which South America was raising in the London market. Canning's recognition (though it was no more than the United States had previously done) confirmed this feeling; the South American Republics began to look on Great Britain as in some sense their protector, not merely against the Holy Alliance, but against the United States. At the Congress of Panama, which was attended by representatives of all Latin American States and of Great Britain, the British delegate, E. J. Dawkins, had instructions from Canning to support any claim of a South American State to possess Cuba; and Canning added that Great Britain could not see with indifference an occupation of Cuba by the United States.¹ Now the incorporation of Cuba with the United States was exactly what John Quincy Adams was aiming at. Canning's view was, no doubt, carefully passed on by Dawkins to the South American delegates. The star of England was coming decidedly into the ascendant to the south of the Rio Grande. Canning's magniloquent assertion in Parliament—"I called the New World into existence to redress the balance of the Old"—would have been nearer the truth (although still a too grandiose hyperbole) if it had run: "I called South America into existence to redress the balance of the North." The celebrated passage in his speech shows that he looked upon the acquisition of British influence in South America as a compensation for loss of influence in Spain, although it was really compensation for loss of influence in the United States:

It would have been disingenuous, indeed, not to admit that the entry of the French army into Spain was in a certain sense a disparagement—an affront to the pride—a blow to the feelings of England: and it can

¹ F.O. Colombia, 18/50, cp. F.O. Argentine, 6/12-15 in Temperley, *op. cit.*, II, 76. Temperley, *The Foreign Policy of George Canning*, p. 180. Also Sir C. Vaughan to G. Canning, December 6, 1825 (*Vaughan MSS.*, All Souls).

hardly be supposed that the government did not sympathise, on that occasion, with the feelings of the people. But I deny that, questionable or censurable as the act may be, it was one which necessarily called for our direct and hostile opposition. Was nothing to be done? Was there no other mode of resistance than by a direct attack upon France—or by a war to be undertaken on the soil of Spain? What if the possession of Spain might be rendered harmless in rival hands—harmless as regarded us—and valueless to the possessors? Might not compensation for disparagement be obtained, and the policy of our ancestors vindicated, by means better adapted to the present time? If France occupied Spain, was it necessary, in order to avoid the consequences of that occupation, that we should blockade Cadiz? No. I looked another way—I sought materials of compensation in another hemisphere. Contemplating Spain, such as our ancestors had known her, I resolved that if France had Spain, it should not be Spain “with the Indies.” I called the New World into existence to redress the balance of the Old.¹

The Panama Congress met in 1826, on invitations sent out by Simon Bolivar, the Liberator. President Adams (elected in 1825) accepted, with strong popular support, for the United States, but of the two American delegates, one died and the other never went to Panama. Had they gone they might have found difficulties at the Congress with regard to the Monroe Doctrine.² The States of South America seem to have expected a pledge from the United States of assistance against foreign aggression at all future times. But President Adams and Congress were absolutely against any such pledge.³ The British Delegate was at the Panama Congress, as well as the South and Central American representatives. The Congress, which was designed to promote a league or confederation of the American States, came to nothing. This abortive proceeding was almost the only thing of interest in the foreign affairs of President Adams. This distinguished man, whose life from his fifteenth year is practically a record of continuous public service, had only one term as President from 1825 to 1829.

The British Ministers at Washington after Sir Charles Bagot (who left in 1819) were, firstly, Stratford Canning, who had the Washington

¹ Hansard, *Parliamentary Debates*, New Series (1827), vol. XVI, p. 397 (under date of December 12, 1826).

² See Speech of Daniel Webster of Massachusetts in the House of Representatives on April 14, 1826. Webster was strongly in favour of the Mission to Panama (*Columbian Centinel* for May 1, 1826).

³ Hart, *The Foundations of American Foreign Policy* (1901), p. 216. Also, *American State Papers, Foreign Relations*, V, 834 ff. Also Vaughan to Canning, December 6, 1825 (*Vaughan MSS.*, All Souls).

Mission from 1819 to 1823, Henry Unwin Addington, from 1823 to 1825, and Sir Charles Vaughan, from 1826 to 1835.

Stratford Canning was the most remarkable of these three distinguished diplomatists. He was already recognized as one of the most eminent men in the British Diplomatic Service. Although only thirty-three years old when appointed to the Washington Mission, he had already undertaken the most responsible duties at Constantinople, and had taken part in the Congress of Vienna. The Prince Regent, said Lord Castlereagh, had chosen Stratford Canning for the Washington Mission out of "an anxious desire to keep up the system of conciliation which had been acted upon with so much advantage to both countries by Mr. Bagot."¹ In his memoirs, Stratford Canning wrote later :

The maintenance of peace was to be my principal care, and with this view it was desirable that I should be rather observant than active, slow to take offence, and in the management of current affairs more tolerant of adverse pretensions than ready to push my own claims to an extreme.²

When a Minister went to Washington in those days he took a regular household with him. Stratford Canning sailed with two secretaries, eleven servants, and seventy tons of baggage. He had a French cook and a cabriolet, or one-horse carriage, popularly called a *whiskey*.³ The voyage, which he made in H.M.S. *Spartan*, occupied just under six weeks.

When he landed at Annapolis in May, 1820, Stratford Canning, in exactly the same way as Richard Rush on landing at Portsmouth, was struck with friendly and home-like surroundings.

Though a vast ocean rolled between the old and the new country, I felt myself on landing less among strangers than in the foreign towns of Europe, where other languages were spoken, where buildings unlike our own awakened no sympathies in an English mind, and where the manners and customs of their inhabitants had little or no affinity with those of the British Isles. At Annapolis red-brick houses saluted my eyes, and Saxon words, though uttered with a difference, came home to my ears, as if they had followed me across the waters, and were only a trifle the worse for wind and weather. Fair accommodation awaited me at the inn, and such native luxuries as soft crab and cakes made of Indian corn opened a new field to the curious appetite.⁴

¹ Rush, *op. cit.*, p. 157.

² *The Life of Stratford Canning*, by S. Lane-Poole (1888), I, 297.

³ Lane-Poole, *op. cit.*, I, 296.

⁴ Lane-Poole, *op. cit.*, I, 298.

The British diplomatist greatly admired the steamboats which were already plying regularly on the Potomac. The City of Washington itself he found to be still unfinished; Pennsylvania Avenue, stretching from the Capitol to the White House, was "the only thing approaching our notion of a street." The site of the metropolis was encumbered with brushwood and swamps and "here and there a sprinkling of shabby trees."

Although nothing remarkable happened during Stratford Canning's three years at Washington (for the Monroe Message was issued just after he had left) he found plenty to do. There was little diplomatic business—"stagnation would perhaps be the most suitable word to express my share of it." Yet almost in the same breath (in the *Memoirs*) he wrote: "The diplomatic body at Washington ought really to be reckoned amongst the labouring classes": the responsible diplomatist "must have his hand out for every one, and a never-ceasing smile on his face." The bulk of Stratford Canning's "work" at Washington was social: there was little or no Chancery business. He read, observed, and dined: "My present occupations and habits of life," he wrote to George Canning, "are pretty much like those of a college, except that the monthly arrival of a bag from the Foreign Office, and the daily perusal of six abusive newspapers, remind me of my public station and residence in the United States."¹

Stratford Canning's observations were very judicious. He travelled a good deal in the country, finding that the Americans liked him to do so. They desired to show their fine cities, not simply Washington. The only thing wanting to Bagot's success had been "that he went away with impressions derived exclusively from Washington."²

Stratford Canning found President Monroe to be "an amiable and upright man." As long as Monroe should remain in office the chances of a fresh quarrel with Great Britain were "certainly much diminished." Among the officers of the fighting services Stratford Canning found the same spirit: they met him with "candour and goodwill." He had some passages of arms, however, with Secretary John Quincy Adams: "Sir," said Adams to him on one occasion, "it took us of late several years to go to war with you for the redress of our grievances: renew these subjects of complaint, and it will not take us many weeks to produce the same effect." But American

¹ September 29, 1821 (Lane-Poole, I, 304).

² *Ibid.*

historians say that in spite of his fine maxims of moderation, Stratford Canning had just as bad a temper as Adams. The American Secretary of State ingenuously confessed later: "He [Stratford Canning] is, of all the foreign ministers with whom I have had occasion to treat, the man who has most tried my temper." Adams generously adds to this description of Stratford Canning: "He has a great respect for his word, and there is nothing false about him. This is an excellent quality for a negotiator. Mr. Canning is a man of forms, studious of courtesy, and tenacious of private morals. As a diplomatic man, his great want is suppleness, and his great virtue is sincerity."¹ The two statesmen were never on good terms officially, but they were both gentlemen, and their private social intercourse "was not wanting in kindness on either side."²

There was a great deal of dining at Washington. Stratford Canning's dinners were popular. He found that many Congressmen had been to Great Britain or else had friends there, and retained a friendly recollection of the Old Country. They looked forward to an invitation to dinner with the British Minister and liked to drink a glass of wine with him. Canning used to invite the Congressmen "by scores at a time," at the risk of overcrowding his table. As he could not drink wine with every guest, and as he did not wish to disappoint any, he used to have a decanter of toast and water, which looks like old brown sherry, at his right-hand side, and he filled his glass, every time he was asked to take wine with a guest, from this. "One day" (writes Canning), "while I was talking to the left-hand guest, the gentleman on my right helped himself to a glass of my sham wine, and I had the luck of turning round towards him at the very moment when he had discovered his mistake."³

It is not recorded whether Stratford Canning found the correct remark to make when this disappointing episode occurred. His predecessor, Sir Charles Bagot, had given dinners too. Lady Bagot was a great help to him. When Stratford Canning came to the Legation at Washington he found the following dinner incident in the traditions: Sir Charles Bagot was, he says, a man of great kindness.

An American Minister and his wife were dining with him one day. He heard Lady Bagot, who was at some distance, say rather quickly,

¹ Adams, *Memoirs*, VI, 157 (June 24, 1823).

² S. Canning's *Memoirs*, in Lane-Poole, *op. cit.*, I, 309.

³ *Memoirs* in Lane-Poole, *op. cit.*, I, 315.

"My dear Mrs. S——, what can you be doing?" The salad-bowl had been offered to Mrs. S—— and her arm was lost in it up to the elbow. Her reply was prompt: "Only rollicking for an onion, my lady."

In general, Stratford Canning found life at Washington not unlike that at any capital. At social gatherings in the evening, breeches and silk stockings were frequently worn, although in the State Department the "true republican virtues" were nourished with "trousers and worsted stockings."

Stratford Canning found Congress at Washington to be a dignified affair. "The Speaker, though wigless and ungowned, presides under a silk canopy surmounted with a gilt eagle." The members were well dressed: "I observed," writes Stratford Canning, "several of them quite as well dressed as Morton Pitt." Canning was "a pretty regular attendant at the debates." He thought that Henry Clay, as an orator, recalled the voice and manner of Pitt, and summed him up as "an intelligent, useful, and well-disposed man, friendly to the English connection and enjoying the esteem of those who knew him best."

Canning transacted a good deal of official business, travelled over the States, visiting the battle-fields of the War of Independence, and collected statistics about the condition of the country. He sailed for England in August, 1823, leaving his chief assistant, Henry Addington, to succeed him at the Legation. One of the results of Stratford Canning's observations which he put on record in a letter was that "a separation of the States is still regarded by long-sighted politicians as the most probable issue of the present union."¹ This was forty years before the Civil War.

Immigration was beginning to be an important thing in the national development of America. The new-comers were generally from the overpopulated parts of the Western Hemisphere, such as Ireland and Switzerland; other countries contributed immigrants too, but not to any great extent. The Government of the United States in the second and third decade of the nineteenth century neither encouraged nor discouraged immigration. Rush, in his *Residence at the Court of London*, expressed what was probably the general view of the time, namely, that the United States did not want the *wasters* of the Old World, and was not likely to get the successful Europeans. The heavy tide of Irish immigration only set in after the great Potato Famine in Ireland of 1845-6. The cost of a passage from Europe

¹ To George Canning, September 29, 1821, in Lane-Poole, *op. cit.*, I, 306.

to the United States about the year 1820 was, apparently, about £12 a man, or £45-£50 for a whole family. For such sums of money the shipping company provided a passage, with bread, water, and salted meat. Sometimes the immigrants could get credit from the shipping company, or shipping agency, for the journey-money, and repay by an agreed date after arrival in America. The Government of the United States "neither directly nor indirectly" took any steps to encourage immigration or to supervise it on arrival.¹

The immigration into the United States had little effect on Anglo-American relations in these early days. Tariffs, although they began to figure prominently in the dispatches and diplomatic notes, did not much affect the diplomatic relations of the two countries. In the United States, as in Great Britain, and, to a small extent, throughout Western Europe, there was an industrial revolution in progress. Eli Whitney in 1793 invented a kind of cotton-gin which could profitably use the short-staple cotton. It so happened that this short-staple cotton could be grown well on the uplands of Carolina and Georgia. These inventions—Eli Whitney's cotton-gin and the fact that the uplands of Carolina could be used for short-staple cotton—"governed the course of the history of the United States down to the year 1865."² They brought it about that the South, of which the soil, under the old plantation system, was becoming exhausted, took another long lease of life as an agricultural slave-cultivated country; while the North, with its coal and water-power, became the region where the products of the South could be worked into finished manufactures. "In so far as Eli Whitney's perfection of the cotton-gin contributed to the cultivation of the upland cotton plant on a great scale, it was a curse to the South, to the United States, and to humanity."³ This means that the discovery riveted slavery on the South, and made it to the interest of the proprietor that the slaves should go on increasing in number. Thus in the long run it brought on the Civil War. But it had another effect: it helped on the industrial revolution in the New England States, which now added cotton-mills to their already existing iron-industry.

¹ These facts, including the financial statistics, are taken from the reports of Tschann, the Swiss Minister to Paris, who had conversations with Gallatin on the subject of immigration in 1817 (*Bundesarchiv Berne, tome Paris, 1817*, dispatch of Tschann, July 15, 1817).

² Channing, *op. cit.*, V, 121.

³ *Ibid.*

The most famous centre of the textile industry in the North is at Lowell in Massachusetts. As early as 1792 business-men from the United States had visited England to study methods of manufacture.¹ Francis Cabot Lowell was born at Newburyport in Massachusetts in 1775. His father was John Lowell, a highly respected lawyer and statesman who had contributed to drafting the Constitution of the United States. The son, Francis Cabot, like his father, was educated at Harvard College. He took up a business career, and in 1810 visited England. He observed the growing importance of the cotton industry, studied with care all the machinery which he could see, and used every opportunity for talking with people who knew the trade. After two years he returned to Massachusetts and started a cotton-mill with machinery made and improved according to the ideas he had formed in England and the observations which he had made there. The enterprise prospered, and gradually resulted in the development of a large manufacturing town, which was named Lowell, in honour of the founder of the industry. By 1840 the town had over 20,000 inhabitants—not a large number judged by British standards, but a powerful factor in the new economic life of America.

It was because the new industries of the North, with a small labouring class, were weak compared with the longer-established industries of Great Britain, with their large supply of labourers, that the North began early in the nineteenth century to claim protection from a tariff. Indeed Henry Clay had advocated this before the end of the eighteenth century. But while Protection would suit the manufacturers in the North, it did not meet the views of the cotton-growers of the South; for the Northern industries could not absorb all the cotton of the Southerners, who therefore wished to keep on good terms with their markets in Europe. The industrialists of Europe, especially the British, would take more Southern cotton, and give a better price for it, if the American market was open to them for selling their finished goods. The North, however, did not desire British competition, while the South did not wish to pay the high prices charged for the protected iron-ware and cotton-fabrics of the North. Thus there was opposition of interest, the South having a tendency towards Free Trade, the North towards Protection. In the long run the advocates of Protection have had decidedly the best of the dispute, and indeed from the start they had their way in

¹Hammond to Secretary of State for Foreign Affairs, February 2, 1792 (F.O. [4] America, 14).

Congress, although there were a great many fluctuations in the Government's Tariff Policy in the half-century after 1816.

There had been tariffs before 1816, but the reason why the question became especially prominent in that year was that the effect of the Peace of Ghent was very marked. After the cessation of hostilities between Great Britain and America at the end of 1814, competition from overseas began again, and the young industries of the North had to face a powerful influx of British-made goods. To meet this, Congress enacted the tariff of 1816, which imposed a duty of twenty-five per cent. on the value of imported cotton-cloth, and from twenty to twenty-five per cent. on hammered and rolled bar iron.

After 1816 the tariff policy of the United States varied greatly from time to time, and it would not be at all true to say that the States of the North were consistent in advocating Protection. By the year 1828, however, the national policy became fairly decided; Henry Clay's "American System" won the day, although it was actually the other side, that of the President, Andrew Jackson, which got the Tariff Bill of that year passed into law. This the Jackson party did, not out of natural sympathy (for they were chiefly Southerners), but in order not to be outdone in popularity by the other side.¹ The Tariff of 1828 laid duties of an average of about forty per cent. *ad valorem* on imported goods. After this the Protective Movement lost its vigour until it revived and brought about the stringent Tariff Law of 1842.

The Tariff Question did to some extent, although not greatly, enter into Anglo-American diplomacy. The New England States, although in general Protectionist in their ideas, were also considerable shippers, and wished to get some relaxation from the restrictions of the British Navigation Acts. In particular they wished to be able to take their goods by ship to the British West Indies and to bring back the West Indian molasses which was the raw material of New England rum. On the other hand, they adhered to what has been called "a cardinal principle of American policy"—the restriction of coast-wise shipping to ships of the United States only.² It was therefore a little difficult for the United States Government to negotiate with the British for a relaxation of the Navigation Acts, for there was no concession offered in return. From

¹ F. W. Taussig, *The Tariff History of the United States* (edition 1913), pp. 85-6.

² Channing, *op. cit.*, V, 398.

George Canning the United States could get nothing. But Canning died in 1827. In 1829 the British Foreign Secretary was Lord Aberdeen, one of the most open-minded, conciliatory and liberal of Tory statesmen. With him Martin Van Buren, Secretary of State under Andrew Jackson, had no difficulty in reaching an honourable understanding. The American Minister at London, through whom the negotiations at London were conducted, was Louis McLane. Van Buren instructed McLane to be as conciliatory as possible. Andrew Jackson, in his Presidential Message to Congress, held out the right hand of good fellowship : " With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honourable and elevated competition." The result was not a bilateral treaty, but an honourable understanding which worked just as well. The British Government, by Order in Council dated May 29, 1830, permitted American ships to trade with the West Indies. On his side, President Jackson, with the authority of Congress, by proclamation opened American ports to British ships.¹ But the United States Government did not offer to admit British ships to the American coast-wise trade, and Lord Aberdeen did not press the claim. Nevertheless, Van Buren was considered in Congress to have been rather pliable towards Great Britain, and when he obtained from Andrew Jackson the post of Minister to the Court of St. James, the Senate refused to confirm the appointment after he had been six months in London. So Van Buren had to go home, and no regular Minister was appointed until 1836. However, Van Buren became Vice-President instead, and later President. So everybody did well out of the negotiations of 1829-30, except perhaps the British, although in point of fact there is nothing to prove that their trade was the worse for the concession made to America.

¹ See Richardson, *Messages and Papers of the Presidents* (1896), II, 497-8 (October 5, 1830).

CHAPTER IX

SHIRT-SLEEVE DIPLOMACY AND GOOD RELATIONS

In the twelve or fifteen years that followed upon the Presidency of John Quincy Adams (1825-9) Great Britain and America were, on the whole, on very good terms with each other. Adams was a little stiff; his memories went back to the War of Independence, and to the voyage he had made across the Atlantic, in hourly danger from British cruisers. He was a fair-minded man, but somehow not very friendly to England, or perhaps to any foreign Power: "Loyalty to the national dignity, and a willingness to hector his opponents came naturally to the rigid New Englander."¹ Andrew Jackson, although he had fought against a British Army (and defeated it), and had executed a couple of Englishmen, and although he was naturally a nationalist and a fighter, greatly improved the relations with the British Government, and this in spite of the fact that, owing to quarrels between the President and the Senate, for four years (1832-6) there was no United States Minister at the Court of St. James.² It has been said that shirt-sleeve diplomacy begins with Jackson's presidency.³ He was apt to use rather brusque methods, throwing out broad hints, or even threats, in his messages to Congress, so as to bring current negotiations with a foreign Power to a speedy conclusion. Lord Palmerston, the British Secretary of State for Foreign Affairs during nearly the whole of the period 1830-41, although inclined to adopt brusque methods himself, nevertheless was on fairly good terms with the State Department, during the presidency both of Jackson and of Van Buren.

Andrew Jackson in some respects was like the Duke of Wellington. He had the same high sense of duty, the personal integrity, the contempt of sham and hypocrisy which distinguished the Duke.

¹ See the remarks on Adams, in Basset's *Life of Andrew Jackson* (1916), II, 659.

² McMaster, *History of the People of the United States*, VI, 211.

³ Fish, *op. cit.*, p. 220.

Like Wellington, too, he was a soldier rather than a politician ; his manner, if straightforward, was scarcely conciliatory. There are two kinds of pictures of Jackson that have survived : one shows him in uniform, with epaulettes and a high stock collar ; his forehead is lofty, his hair plentiful and grey ; he looks like one of Wellington's Peninsular officers. The other kind of picture shows him as an old man in civilian clothes : black coat, frilled shirt, loose, high collar, black tie ; his clean-shaven face is ridged and wrinkled, his mouth wide and firm, a little querulous, his eyes still prominent and spirited : the picture now recalls those of Mr. Gladstone as the "grand old man."

Jackson had two continuous terms of the Presidency, from 1829 to 1833, and from 1833 to 1837. During this time he achieved two difficult things : one was the negotiation which opened the British West Indian Trade to American ships, as already related ; the other was the securing of payment by France of monies owed since the Napoleonic Wars : the happy result of this negotiation was partly due to the mediation of Great Britain.

The French trouble went back to the days of the Berlin and Milan Decrees. Since the year 1815 American citizens had been claiming compensation for destruction of property by French officials acting under these decrees. The trouble was nearly settled during the latter years of the restored Bourbon *régime*, but the Revolution of 1830 interrupted the course of Franco-American diplomacy. Then King Louis Philippe, always cautious and conciliatory, came to an agreement with Jackson about the claims, and a treaty was signed on July 4, 1831 ; but the French Chamber procrastinated, so that the necessary credits were not voted. Then Jackson put into his Presidential Message of December 3, 1833, a few words that seemed to forecast a war with France, and which did at any rate impugn the good faith of France.¹ When the French Minister at Washington, Pageot, tried to explain the position in France to John Forsyth, Senator (who had become Secretary of State in 1834), the State Department refused to take cognisance. In 1835 the American *chargé d'affaires* sailed from France, and the United States was left without a representative in Paris. It was at this point that the British Government ventured to propose its good offices. This was done through Bankhead, British *chargé d'affaires* at Washington in the absence of Sir Charles Vaughan. Both sides accepted the good

¹ Richardson, *Messages*, III, 22 ; cp. II, 564.

offices, and the episode was closed by France paying over the due sums of money.¹

Jackson's rather bellicose diplomacy had succeeded, although at the time it rather alarmed the Americans themselves. When the President's second term was completed, Edward Everett wrote to Vaughan that a President with "somewhat more of the *suaviter in modo*" was wanted.²

Sir Charles Vaughan, the British Minister at Washington throughout most of the Jackson period, was one of the most interesting, if least known of the line of distinguished English diplomatists. Vaughan was born in 1774, the son of a Leicester physician. He was educated at Rugby and Merton College, and became a Fellow of All Souls in 1800. Having intended to be a physician like his father, Vaughan obtained the Travelling Fellowship on the Foundation of Dr. Radcliffe, and for three years travelled in France, Germany, and Spain. His taste for medicine left him. Syria, Mesopotamia, Persia were next visited by him. In 1805 he wintered on the Volga, in 1806 went to Astrakhan, then to St. Petersburg.

In 1808 Vaughan went with Charles Stuart (Lord Stuart de Rothsay), the British *chargé d'affaires*, to Madrid, and, although a non-combatant, had some exciting times in the Peninsular War. In 1809 he regularly entered the Foreign Office. After this he was employed as a diplomatist in Madrid, Paris, and Switzerland. In 1826 he went to Washington as Minister plenipotentiary.

Vaughan was a born traveller, and he was not likely to fall into Bagot's mistake of staying too much in the capital. It is recorded of him that in his first year in the United States, between the eleventh of July and the thirteenth of August, he travelled nearly 1,800 miles!³ This was not the only long journey that Vaughan made in the United States. His period at the Washington Legation lasted until 1835, although he was actually on leave in London from 1831 to 1833.

Vaughan was an accomplished, well-to-do bachelor, fond of society,

¹ Basset, *op. cit.*, II, 672.

² Everett to Vaughan, April 9, 1837; cp. also George Manners to Vaughan, January 10, 1835 (Vaughan MSS., All Souls).

³ Article in the *Dictionary of National Biography*. Memoir in *Gentleman's Magazine*, 1849, vol. 32, p. 204. There is no Life of Vaughan, but his papers are preserved in the Library of All Souls' College, Oxford, including private and official correspondence, and drafts of his dispatches. There is a good Calendar of the Vaughan MSS. made by J. A. Doyle, and also two articles on them by Doyle in the *American Historical Review*, vol. VII.

hospitable, a man of affairs and of learning. He made hosts of friends in the United States, and won the affection of Edward Everett and the respect of John Quincy Adams. When, in 1837, Vaughan (who had returned home) was appointed to Constantinople, Everett wrote a charming letter of congratulation to him, about to leave "the peaceful shades of All Souls for the most brilliant Court in Europe." Everett would have liked to take his next Christmas dinner with Vaughan in his hotel at Pera.¹ When Vaughan, in the middle of his American Mission, obtained leave of absence in 1830 to go to England, John Quincy Adams wrote a short letter which was something more than a mere formal note. It is in Adams' own small, neat handwriting :

In declining reluctantly your very kind invitation for Christmas day I cannot suffer the occasion to pass without assuring you of the unfeigned respect, and allow me to say warm regard, which I entertain for your person and character ; and of my best wishes that your return home may not only complete the restoration of your health, but meet a welcome from your Government worthy of that frank and candid spirit, which is the best cement of friendship between men, as it is the truest Talisman of harmonious intercourse between Nations.²

In November, 1837, a rebellion against the British authority took place in Canada, with the natural result, among other things, that "incidents" took place on the British-American frontier. The rebellion was suppressed without great difficulty. A good number of rebels fled to the United States. There they found some American adventurers to help them. A band of these desperadoes seized Navy Island, which belonged to Canada, on the Niagara River. In December, a ship called the *Caroline* had been chartered by the filibusters to bring supplies from the town of Schlosser, in New York State, to Navy Island. Canadian militia crossed from the Canadian side, landed on Navy Island, and finding that the *Caroline* was not there, crossed farther to the New York side, seized the ship in Schlosser harbour, and towed it out into the river. There they left it to float to destruction over the Niagara Falls. The American Secretary of State protested against this violation of United States territory, but he could get no satisfaction out of the British Secretary of State, Lord Palmerston

So matters stood, when in November, 1840, a Canadian, Alexander

¹ Everett to Vaughan, April 9, 1837 (*Vaughan MSS.*, All Souls).

² Adams to Vaughan, December 22, 1830 (*Vaughan MSS.*, All Souls).

McLeod, boasted in New York that he had been one of the party to seize the *Caroline*, and that in the tussle he had killed one of her crew. He was promptly arrested by the authorities of New York and charged with the crime of murder.

The situation became critical. Public opinion in Great Britain was inflamed in favour of McLeod, and it was inflamed, probably to an equal degree, against him in America. The British Minister at Washington, H. S. Fox, demanded his release; and Palmerston, "not officially, but as a private friend,"¹ told the American Minister in London, Andrew Stevenson, that if McLeod were executed war would ensue. To Fox, Palmerston wrote plainly: "McLeod's execution would produce war, war immediate and frightful in its character, because it would be a war of retaliation and vengeance."² Daniel Webster, who was now Secretary of State, used his moral influence with the authorities of New York State in favour of McLeod, but the Supreme Court of New York refused to issue a writ of habeas corpus. Luckily McLeod's counsel produced evidence, which was accepted as satisfactory, to prove that he had not been present at the capture of the *Caroline*; the prisoner was accordingly acquitted.

The affair of the *Caroline* formed the subject of discussions in 1842 between Daniel Webster and Lord Ashburton. It did not figure in the treaty which was negotiated by these two diplomatists, but was regulated by exchange of Notes. Webster acknowledged that a "necessity of self-defence" might, in certain circumstances, justify such an act as the destruction of the *Caroline*. Lord Ashburton, on his side, admitted that, at the time when the incident had occurred, if the British Government had made "some explanation and apology," along with a "frank explanation of the necessity of the case," then "much of the exasperation" would have been avoided. "The President," Webster replied in a Note, "is content to receive the acknowledgments and assurances in the conciliatory spirit which marks your lordship's letter, and will make the subject, as a complaint of violation of territory, the topic of no further discussion between the two Governments."³ Seldom has an exasperating

¹ To Fox, February 9, 1841: in Bulwer, *The Life of Lord Palmerston*, III, 49.

² *Ibid.*

³ Webster to Ashburton, August 6, 1842 (McMaster, *History of the People of the United States*, VII, 277). Cp. J. S. Reeves, *American Diplomacy under Tyler and Polk* (1907), p. 56.

diplomatic incident been so gracefully and generously closed as was done by this act of the American Secretary of State.

Incidents on the border of the United States and Upper Canada naturally brought forward more prominently an old question which affected the frontier of Lower Canada : this was what President Andrew Jackson, in an Annual Message, called "the interesting question of our north-eastern boundary."¹ The trouble had its origin in article 2 of the Treaty of Versailles, November 30, 1782. This article had at least four ambiguities, due to the lack of geographical knowledge at the time : these ambiguities were, the "river St. Croix," the "north-west angle of Nova Scotia," the "Highlands," or watershed between the streams that flowed towards the St. Lawrence and those that flowed towards the Atlantic, and finally the "north-westernmost head of the Connecticut River." The only one of these ambiguities which had been properly cleared up since 1782 was the location of the St. Croix River. An Anglo-American Commission appointed under Jay's Treaty had agreed upon a certain stream in 1798, the Scoodic or St. Croix, which flowed into Passamaquoddy Bay. The Commissioners placed a marker at the source of the river, and thus the frontier between Maine and New Brunswick was ascertained for about 150 miles. But all the rest of the frontier northward to the north-west angle of Nova Scotia (or rather of New Brunswick, which had been separated off from Nova Scotia in 1784) was still unknown ; so was the westward frontier from the north-west angle of New Brunswick to the head of the Connecticut River.

At the end of the War of 1812-14, the Treaty of Ghent included provisions for settling the north-east frontier by mixed commissions or by arbitration. As the commissioners failed to come to an agreement, their differences were "transferred to the domain of diplomacy."² Albert Gallatin, who had been one of the negotiators of the Treaty of Ghent, went on special mission to London to continue his good work, and in conferences with William Huskisson (President of the Board of Trade) and Henry Unwin Addington, formerly British Minister at Washington, arranged a Treaty of Arbitration. This Treaty was signed on September 29, 1827. The arbitrator chosen according to its stipulations was King William I

¹ Message of December 3, 1833 (Richardson, II, 20).

² J. B. Moore, *International Arbitrations to which the United States has been a Party* (1898), I, 87.

of the Netherlands, a *roi éclairé* and statesman of long experience. The British and American "cases" were elaborately drafted and presented. "Seldom has a question been so thoroughly discussed as was this disputed boundary."¹ Gallatin, who prepared the American case, stated that he had never devoted so much time to any subject. The award of the King of the Netherlands was delivered on January 10, 1831.

The King's award was not a decision between the claims of one side and the other, but was really a division of the territory in question between the two parties. Holding that it was impossible to give a literal meaning to the words of article 2 of the Treaty of 1782, the King drew what he considered to be an equitable boundary. The British Government was ready to accept this decision (which was favourable to their claim), but President Jackson rejected it, on the ground that it was a decision outside the reference of the Royal arbitrator.

For ten years the question of the north-eastern frontier continued to make serious trouble. Among other regions, the Aroostook Valley had been included in the part which would have been given to New Brunswick under the award of the King of the Netherlands. So the New Brunswickers disputed with the people of Maine; each side made its own surveys, and tried to forestall the claims of the other. The Canadian and American lumber-jacks who wanted to fell trees in the valley came to blows, because nobody knew whether it was a British or American court that should settle their differences. In 1838, the Governor of Maine called out the State Militia and occupied the Aroostook Valley: the New Brunswickers also called out their fighting-men, and amid great enthusiasm and the singing of *God save the Queen* credits for war were voted in the Nova Scotia Legislature.

Soldiers have sometimes gained greater victories by diplomacy than war. This was one of these occasions. The illustrious General Winfield Scott was entrusted by President Van Buren with the task of dealing with the frontier trouble. Scott was then fifty-two years old. His grand, commanding figure had already appeared on several battle-fields against Great Britain, and he bore the scars of wounds inflicted by British bullets in the War of 1812. But though a magnificent fighter, Scott had the statesman's mind, and had been employed on missions of peace as well as of war. On this occasion,

¹ Moore, *op. cit.*, I, 91.

when sent up to the Maine border he took with him a copy of a memorandum which had just been signed by Mr. Fox, the British Minister at Washington, and Secretary of State Forsyth. Armed with this note, which declared that the question could only be settled by peaceful discussion, Scott opened negotiations with Governor Harvey of New Brunswick. Harvey made no difficulties; and an agreement for a joint occupation of the valley was almost immediately arranged.¹ The "Aroostook War" was ended, if it had not been absolutely averted. For this work of peace General Scott earned the name of *Pacificator* instead of *Fuss and Feathers*, as his soldiers had called him. But the latter nickname persisted and ultimately won the day.

The conduct of the North-eastern Question soon passed on the British side from the firm but not very tactful hands of Palmerston into those of the mild and industrious Aberdeen (September, 1841). On the American side the Secretary of State was Daniel Webster. This eloquent man came from a New Hampshire farming family. He had been educated at the old New England College, Dartmouth, had been called to the Massachusetts Bar, and subsequently to that of the Supreme Court; later he had made a great name for oratory in the Senate. He was an ardent nationalist and patriot, but also a great lover of peace. He had opposed the declaration of the War of 1812 by the United States. The President, after March 4, 1841, was General William Henry Harrison, known as the hero of Tippecanoe in the Indian War of 1811; he had also won a victory, the Battle of the Thames, in the War of 1812-14. His addiction to simple living made him a household word, although it had to be explained to the more aristocratic voters that he drank hard cider not from poverty but from choice. The General was a peaceably-minded man, and would doubtless have worked with his Secretary of State, Daniel Webster, to settle the Question of the North-eastern Frontier, but he died on April 4, 1841, within a month of taking over the Presidency. For the first time in American history the existing Vice-President succeeded to the highest office. John Tyler, of Virginia, the new President, was a man of conviction and courage. For years he had been the opponent of a State Bank for the United States. The old Bank of the United States had been suppressed in 1835, but in 1841 a project for a new bank was brought forward

¹ March 23, 1839 (McMaster, *History of the People of the United States*, VI, 518).

twice in Congress, and the President vetoed it each time. Every member of his Cabinet resigned, except Webster, who stayed on in order to settle the negotiation on the north-eastern frontier. He had told the British Minister, H. S. Fox, at the time of the acquittal of McLeod over the *Caroline* affair, that he had the President's authority for offering to negotiate a conventional line.¹

For the British side Alexander Baring, Lord Ashburton, was sent to Washington. The financial House of Baring had great interests in the United States, and Alexander himself had lived there for some years in management of the firm's American affairs. In 1798 he had married the daughter of Senator Bingham, of Pennsylvania. In 1810, on the death of his father, he became head of the firm of Baring. He entered Parliament and was a member of the House of Commons until he was elevated to the peerage by Sir Robert Peel in 1835. Lord Ashburton's knowledge of business, of men, and of American affairs thoroughly qualified him for the Washington negotiation. Webster, on his side, was by no means ignorant of England. He had spent summer and autumn there in 1839, and had met many of the leading men, including Lord Ashburton. Carlyle had met Webster at breakfast² and found in him the type which he had been looking for:

He is a magnificent specimen. You might say to all the world, "This is our Yankee Englishman; such limbs we make in Yankee-land!" As a logic fencer or parliamentary Hercules, one would be inclined to back him at first sight against all the extant world. The tanned complexion, that amorphous, crag-like face; the dull black eyes under the precipice of brows, like dull anthracite furnaces needing only to be blown; the mastiff mouth accurately closed; I have not traced so much of silent Berserker rage that I remember in any man.

The Ashburton negotiations began in April, 1842, mainly by conversations between the British plenipotentiary and the Secretary of State. There was no protocol kept of the proceedings, and very few notes were exchanged.³ The two men had a sufficiently clear grasp of the points at issue to settle them in direct conference.

Questions of territory to which two powerful States have claims are always necessarily very delicate and dangerous. Lord Ash-

¹ Jesse S. Reeves, *American Diplomacy under Tyler and Polk* (1907), p. 38.

² Froude, *Thomas Carlyle* (1884), I, 164.

³ The chief notes and the despatches of Lord Ashburton to the Earl of Aberdeen are in the British Public Record Office (F.O. [5] *America*, 379).

burton, however, went to Washington prepared with a very reasonable principle: this was that the disputed territory should be settled according to population. Thus if the settlers in any particular district had for about fifty years believed themselves to be in territory of the United States Lord Ashburton was prepared to leave them there and to recognize the claim of the United States.¹

One of the difficulties in the way of negotiation was that the legislators of Maine were very tenacious of what they considered to be their rights; and Webster thought that their consent was necessary to any treaty that might be made. Luckily the opposition of Maine was removed by the action of an historian whose researches turned out to have more practical effect than is usual with the works of historical scholars. In 1841, when reading in the national archives at Paris for his works on the American Revolution, Jared Sparks of Harvard had found a letter and a map sent by Benjamin Franklin to Vergennes. The letter, dated December 6, 1782, stated that the map marked the limits of the United States and Canada as settled by the British and American plenipotentiaries.² A red line on the map left all the streams running into the St. John's River on the British side. This was just what the British Government had been claiming all the time. Sparks, who was still teaching at Harvard at the time of the Ashburton-Webster negotiations, thought of his discovery, looked up his papers, found the map, and took it to the State Department. Webster had more sense than to show it to Lord Ashburton, but he told Sparks to take it up to Maine and show it to the Governor. The result of this was that Maine withdrew its claim, and informed Webster that it would accept a compromise. Oddly enough, the converse had happened in London. The Director of the British Museum, Sir Anthony Panizzi, had found a map drawn for Mr. Oswald, the British *vis-à-vis* of Benjamin Franklin at the Versailles negotiation in 1782-3. This map also had a red line, which, however, unlike that on Jared Sparks' map, wholly supported the American claim. Lord Palmerston, who was the Secretary of State for Foreign Affairs, was just as sensible in those matters as Daniel Webster could be: he put the map into the most secret files of the

¹ Lord Ashburton to Lord Aberdeen, April 25, 1842 (F.O. America, 379).

² Franklin's letter and the "red-line map" were, apparently, not found together, and therefore it is just possible that it was not the "red-line map," but some other that the letter referred to (see Channing, *op. cit.*, V, 540. See also Moore, *Arbitrations*, I, 1546).

Foreign Office, and nobody but himself and the Permanent Under-Secretary knew about it. It was not included in the Instructions to Lord Ashburton, nor did the Permanent Under-Secretary mention it to him, in case his mind should be biassed. Lord Aberdeen, who was now Foreign Secretary, did not know of it : his conscience, which was of the kind that always made him take the most unprofitable course, would have compelled him to send the Oswald map to Washington with Lord Ashburton.

By the end of July Ashburton and Webster came to substantial agreement ; a memorandum of the State Department defined the frontier, and the British plenipotentiary accepted it, in principle, in a Note (July 29, 1842). Then the work of drafting was undertaken, and on August 9, 1842, the Treaty was signed.

Article 1 defined the frontier. In effect, it did what the King of the Netherlands had been blamed for doing : it did not decide on the meaning of the words of the Treaty of 1782, but it made an equitable division, by which Great Britain received 893 square miles more than would have come to her under the Netherlands award ; and these miles included some heights, important for strategic reasons, commanding the St. Lawrence Valley. On the other hand, Great Britain only secured five-twelfths of the total territory that she claimed. In particular the Madawaska settlement, which lay on both sides of the River St. John, was divided : the southern part was assigned to America, the northern to Canada. This division has been greatly criticised by Canadians ; but it seems fair to take the St. John river as the boundary in this section of the frontier. In its upper reaches, the St. John river is wholly within Maine.

Other provisions of the Treaty were due to the same conciliatory spirit as that which animated article 1. The third article permitted the unmanufactured products of those parts of Maine through which the St. John flows to go freely down the river, as if they were products of New Brunswick. The concession of a free outlet to the produce of Maine was an important element in the negotiations which led to the Treaty.¹ Article 4 allowed settlers, whether British or American, to keep their land in the disputed region, if they had been in possession for more than six years. Article 10 provided for the extradition of fugitives charged with murder, piracy, arson or robbery—a welcome help to both sides in their efforts to keep the peace along that frontier, largely unsettled and frequently

¹ Ashburton to Aberdeen, April 25, 1842 (F.O. [5] America, 379).

visited by persons of not meticulously law-abiding character.

The whole transaction included under the comprehensive name of the Treaty of Washington is worthy to be taken as a model. "My reception," writes Lord Ashburton to the Earl of Aberdeen, "has been in every respect favourable. The sentiments which induced Her Majesty's Government to attempt a settlement of existing differences between the two countries by a special mission have been duly appreciated."¹

Never have diplomatic negotiations been conducted on a higher plane than between Webster and Ashburton. Each was actuated with a genuinely friendly spirit towards the other; and each was actuated with the deepest patriotic motives towards his country. Both knew thoroughly the subject matter committed to their charge; and both were well versed in the principles of international law. They sat as judges endeavouring to reach a just conclusion, rather than as partisans attempting to overreach each other and to win their case.²

In this well-managed and dignified negotiation at Washington, Lord Ashburton was ably assisted by Henry Stephen Fox, the British Minister. Fox, a nephew of the famous Charles James Fox, and of Lord Holland, was well versed in the ways of high life and of diplomacy. Before being appointed to the Washington Legation he had been a man of leisure and fashion in London. But in the three last years of his life—he died while Minister at Washington—he showed himself in trying circumstances, such as those of the McLeod episode and the Ashburton Mission, capable of handling the practical affairs of diplomacy and of acting in all circumstances with perfect tact.³

In the Ashburton negotiations the thorny subject of impressment was approached, but not settled. The British plenipotentiary had received instructions that he must not formally abandon the claim of Great Britain in time of war to impress British seamen who might be serving in American ships. He accordingly confined himself to making a verbal communication to Mr. Webster.⁴ There the subject rested and, in time, settled itself, for no more is ever heard of the impressment question.

¹ April 25, 1842 (F.O. America, 379).

² Hill, *op. cit.*, pp. 192–3. See also the excellent article of E. D. Adams, *Lord Ashburton and the Treaty of Washington*, in the *American Historical Review*, XVII, 764–82.

³ Fox died at Washington in October, 1846. Memoir in *Gentleman's Magazine* for 1847, vol. 27, pp. 82–3.

⁴ Ashburton to Aberdeen, June 29, 1842 (F.O. [5] America, 379).

CHAPTER X

TEXAS AND MEXICO

West of the Sabine River, which was the boundary of Louisiana at the time of the Purchase in 1803, lay the vast territory of New Spain, practically unsettled, largely unexplored.¹ By the Treaty of 1819, through which Florida was acquired, the United States Government had abandoned any claim to the territory west of the Sabine. But after Mexico revolted, and established its independence in 1822, this clause of the Florida treaty had little interest for Spain. Mexico was now recognized by the Powers (although not by Spain herself) as an independent State, and as being sovereign in the former Spanish territory to the north, as well as to the south, of the Rio Grande. It was this vast area north of the Rio Grande that the United States was to acquire before the middle of the nineteenth century. Texas was the first portion of the vast region to be annexed.

Texas, stretching from the Sabine River to the Rocky Mountains, had been thinly colonised under the old Spanish system of missions and *presidios*. The priests had converted the Indians, the little garrisons had maintained Spanish authority, a few settlers had taken up land around the stations. In 1834 the missions were secularised: their land was made over to the colonists, and the missionaries became parish priests. By this time Texas was part of the Mexican Federal Republic. There were not many Spanish settlers, and the Indians, never very numerous, were going along the apparently inevitable road to extinction. But where the Spaniards had been unable fully to occupy or use the Texan lands, hardy settlers from the United States were coming in. Congress early began to interest itself in the Western Trade Route.²

¹ See *The Significance of the Louisiana-Texas Frontier*, by I. J. Cox, *Proceedings of the Mississippi Valley Historical Association*, vol. III, p. 198.

² See *Diplomacy concerning the Santa Fé Road*, by W. R. Manning, in *The Mississippi Valley Historical Review*, I, 516.

American settlement in Texas was due chiefly to Moses Austin and his son, Stephen Fuller Austin. The first began by obtaining permission from the Spanish authorities, in 1820, to bring in two hundred American families. He died, however, owing to the hardships which he experienced, in 1821. His son, Stephen, carried on the work, and gradually built up a successful community. In 1835 he joined, if he did not originate, the revolution against Mexican rule, and became Commander-in-Chief of the Texans. He showed himself a good diplomatist in his negotiations with the United States, but he died in 1836, before he could secure recognition from the Washington Government. It was Stephen Austin who induced General Samuel Houston to come to Texas.

This eminent man was born in Virginia in 1793. He served with the greatest distinction in the War of 1812-14 against Great Britain, and was wounded several times. Subsequently he was Governor of Tennessee. He had to leave this State on account of trouble with his wife, who, later, divorced him. For some years he lived among the Cherokee Indians, and undertook diplomatic work for them at Washington. He always said that no treaty entered into in good faith, and loyally carried out by the United States, was ever broken by the Indians. It was in 1833 that he took up his permanent abode in Texas. He succeeded Stephen Austin as Commander-in-Chief, and in 1836 became first President of the Republic of Texas.

In 1834 the affairs of the United States, Texas and Mexico became more closely connected than ever through the actions of Antonio Lopez de Santa Anna. A man of abounding energy, Santa Anna was already old in revolution, war, and political intrigue. He was born in 1795, had fought in the Spanish army against the Mexican rebels, but in 1821 joined the national side. He was responsible for the overthrow of the Emperor Iturbide of Mexico, and the establishment of the Republic in 1822. Presidents rose and fell, until by the year 1834 Santa Anna was the only man who counted for anything in Mexican politics. In that year, as the head of the Centralist party, he overthrew the existing Federal Constitution; thus Texas, which had hitherto been part of the autonomous State of Texas and Coahila, became merely a province. The Texans resented this change, objected to Mexican officials, and were afraid that the Central Government would enforce the law of 1829 against slavery. So they seceded, and set up a republic of their own (1835).

This act naturally brought down upon Texas the wrath of Santa Anna and the Mexican Centralists. The war was conducted with the bitterness and atrocity that made deserts of so many places in Central and South America during the nineteenth century. In the Alamo, the old mission building of San Antonio de Bexar, one hundred and eighty Texans defended themselves literally to the last man against three thousand Mexicans (1836). The next incident was the massacre by the Mexicans of the garrison of Goliad. These disasters were retrieved by Houston, who, with about eleven hundred men, defeated and captured Santa Anna himself on the San Jacinto River (April 20, 1836). After this Texas was in fact independent, with Houston as President and other American heroes of the war as chief officials. Mexico would not recognize the existence of the new republic. It was at this point that the Governments of the United States and Great Britain came actively on to the stage.¹ There was a proposal to include Texas in the United States, and some American politicians foresaw serious internal dissensions over this.

The British Government wished to see the Texas question peacefully settled. If Mexico would only recognize the independence of Texas, the Powers of Europe would have no difficulty in doing the same; the United States would also have to recognize the new republic, and the possibility or probability of the Americans annexing Texas would practically be ruled out. Palmerston, in his down-right way, had told the Mexican Government in 1840 that its hope of recovering Texas was "visionary."² Nevertheless the unstable Mexican Government did not dare to offend the national sentiment of journalists, lawyers and landowners that represented Mexican public opinion. So on June 28, 1842, the British Government, after long delays and hesitations, ratified a treaty of amity and commerce with the Republic of Texas.

On the same day as the British Government ratified the treaty, Captain Charles Elliot was appointed Consul-General and *chargé d'affaires* to the Republic of Texas. He was a naval officer who had retired from the service in order to take up work under the Foreign Office. Like all the Minto Elliots he was a man of ardent temperament and of considerable ability. As British representative

¹ Reeves, *American Diplomacy under Tyler and Polk*, p. 87. Also, Edward Everett to Sir C. Vaughan, April 9, 1837 (*Vaughan MSS.*, All Souls).

² See J. H. Smith, *The Annexation of Texas* 1919), p. 80.

in China he had become involved in the Opium Question, and found himself compelled to conduct hostilities against the Chinese authorities. He was recalled in 1840, in the middle of the Opium War. In Texas he was intended to safeguard British interests, which, commercially, were bound up with Texan cotton. This trade was not yet of any great dimensions, but the British Government hoped that the development of cotton-growing in Texas would take away the monopoly which the United States wielded. Elliot too shared the desire of the Prime Minister, Peel, and the Foreign Secretary, Aberdeen, to see slavery abolished in Texas.

Elliot came to Texas with instructions to undertake mediation between the republic and Mexico, but he could not bring this about.¹ He would have liked the Foreign Office bluntly to advise Santa Anna (again at the head of Mexican affairs) to recognize the independence of Texas, but Lord Aberdeen refused to bring any pressure to bear. After all, Mexico had abolished slavery, while Texas had not done so, and therefore Aberdeen, a genuine philanthropist, could not decently intervene with anything more than "good offices." Ashbel Smith, one of the heroes of the San Jacinto, had been appointed Texan *chargé d'affaires* to France and Great Britain in 1842. He had a conversation with Lord Aberdeen, in London, and was informed that British mediation was unlikely to effect anything.

Elliot made himself liked in Texas. He was on excellent terms with President Houston and with Secretary of State Anson Jones.² He frequently talked with them about slavery; Houston freely admitted to him that slavery was a deplorable institution; and without a doubt if the British Government would have consented to undertake some sort of intervention along with the French Government and the United States, the Texans would readily have consented to abolish slavery. The French Government actually consented to take part in a joint intervention³; and the United States, if only to save something of the Monroe Doctrine, would probably have joined too. But Aberdeen would have nothing to do with intervention.

¹ Reeves, *op. cit.*, pp. 122-3.

² A selection of Elliot's very courteous and able letters to the Texan authorities is given in the *Annual Report of the American Historical Association*, 1908, *Diplomatic Correspondence of the Republic of Texas*, edited by G. P. Garrison, vol. II, part III, pp. 1002-1203.

³ Smith, *op. cit.*, p. 84.

Yet the slavery question was very near to Lord Aberdeen's heart, and the whole of Great Britain was in favour of abolition, from humanitarian as well as from business motives. On July 2, 1843, Ashbel Smith wrote to Anson Jones :

The abolition of slavery in Texas, by itself considered, is not regarded in England as of any great importance, but it is ardently desired as preliminary to its abolition in the United States and for the purpose of placing Texas in a rival if not unfriendly attitude towards that country. Besides motives of philanthropy, the British people wish the abolition of slavery in America in reference to the culture of sugar and cotton, in which there exists a rivalry with their colonies, and in reference to the advantages which the production of cotton in America gives to its manufacturers and the employment which these staples afford to American shipping.¹

In order to make the abolition easy, Lord Aberdeen promised to Ashbel Smith that the British Government would guarantee the interest of a loan to compensate the Texan slave-owners. On another occasion he even suggested that the British Government might itself pay the compensation—"the object is deemed so important, they might, though he could not say certainly." To this Ashbel Smith replied that to take money from a foreign Power would be contrary to the national honour of Texas.

There is no doubt that the British had their heart in the slavery question. The Government tried to get Texas to have at least a slave-free area : "*The establishment of a free state on Texas territory is a darling wish of England for which scarcely any price would be regarded as too great,*" wrote Ashbel Smith ; the italics are his own.² The Texans, however, were not really ready for the abolition of slavery. Lord Aberdeen, in response to the views which Ashbel Smith put before him, disclaimed all purpose "improperly" to interfere in the domestic affairs of Texas,³ and when Aberdeen said a thing like this, he meant it.

Matters continued in an unsatisfactory condition until 1844, when at last it seemed that the Texan Question would be settled. Aberdeen was still Secretary of State for Foreign Affairs in Great Britain ; Guizot, who as ambassador in London had known and trusted Lord Aberdeen, was Premier in France. The two Powers were practically agreed on mediation, apparently armed mediation,

¹ In J. H. Smith, *op. cit.*, pp. 89-90.

² Letters in J. H. Smith, *op. cit.*, pp. 87-90.

³ *Ibid.*, p. 91.

in certain circumstances.¹ In the autumn of 1844 Santa Anna, still President of Mexico, and anxious to be rid of the Texan difficulty, proposed that Texas should be independent, paying an indemnity to Mexico, and agreeing that its frontier should be the Colorado river. Great Britain and France were to guarantee the Mexico-Texan frontier. Lord Aberdeen sent fresh instructions to Elliot, authorising him to work on Santa Anna's terms as a basis of settlement. On March 20, 1845, the instructions arrived at Galveston, where both Elliot and Saligny, the French *chargé*, were.

A day or two before this, these diplomatists had heard that the United States Congress had passed a resolution in favour of the annexation of Texas. This made Elliot and Saligny set forth for the Texan capital, Austin, to urge the Texan Government to accept the Mexican terms. Since December, 1844, Anson Jones, a worthy, well-meaning, but not very resolute man, had been President. He was against annexation to the United States, but his Secretary of State, Ashbel Smith, returning from his diplomatic mission to Europe, was rather inclined to favour this plan. Nevertheless the advice and pressure brought to bear by Elliot and Saligny were having a decided effect, and terms between Texas and Mexico might have been arranged when the French Government withdrew from the concert on this question with Great Britain. The young Texan Republic had a very able diplomatic service in Europe. Ashbel Smith, who had gone again on mission to Europe, ascertained in May, 1845, at the London Foreign Office, that Great Britain now regarded the annexation of Texas by the United States as inevitable; while the Mexican representative at Paris at the same time was informed by Guizot that difficulties in the French Parliament made action by France on the Texan question impossible. The truth is that the Guizot Government (and indeed any Government of King Louis Philippe) was unstable; while Aberdeen was always anxious to avoid war, and more especially war with the United States.² The people of the United States, on the other hand, had shown that they would fight for Texas. On July 4, 1845, the Convention of Texas passed an ordinance agreeing to annexation

¹ J. H. Smith, *op. cit.*, p. 413.

² For the hesitancy shown by Guizot see Terrell (Texan *chargé d'affaires* at London) to Ashbel Smith, January 27, 1845, in Garrison, *Texan Diplomatic Correspondence*, vol. II, part III, pp. 1175-6.

by the United States. In December, President Polk approved the Joint Resolution of Congress in favour of taking Texas into the Union. So Texas became part of the United States, which was probably the best thing that could have happened to all parties.

CHAPTER XI

MEXICO AND CALIFORNIA

The annexation of Texas brought about war, not with Great Britain or France (as at one time seemed likely), but with Mexico. This indeed was almost inevitable: all the annexationists in the United States were ready for it.

The annexationists were probably strongest in the South. "Texas had been settled by Americans, mainly from the South, possessed the system of slavery, and appealed in every way to the pride and interest of those dwelling below Mason and Dixon's line."¹ Texas had declared itself independent in March, 1836, and in just over a year (July 3, 1837) a Texan minister had been formally received at the White House in Washington: this was official recognition, but annexation seemed yet a long way off. The North and East of the United States would have none of it, and it was largely on this ground that Daniel Webster had retired from the State Department in 1843. Nevertheless a treaty, between the United States and Texas, for annexation was almost completed when the new Secretary of State, Abel P. Upshur, was killed by the explosion of a gun on the warship *Princeton* (February 28, 1844). President Tyler, who was a Virginian and annexationist, next appointed John C. Calhoun, of South Carolina, to be Secretary of State.

Calhoun was strongly for annexation and the maintenance of slavery, and he greatly distrusted the apparent altruism of England in working for the abolition of slavery in Texas. He kept an agent, General Duff Green, in Europe, supplied with funds from the State Department, in order to exert influence on foreign opinion.² John Quincy Adams, still vigorous in public life, called Duff Green the

¹ Meigs, *The Life of John C. Calhoun* (1917), II, 294. Mason and Dixon were two English engineers who were employed between 1764 and 1767 in defining a boundary between Maryland on the one hand and Delaware and Pennsylvania on the other.

² Cp. Reeves, *op. cit.*, pp. 124-8.

ambassador of slavery at the Court of Great Britain. In 1844 Great Britain was very unpopular in the Southern States.

When Calhoun went to Washington as Secretary of State, the first document that he took up was an unopened letter which Pakenham, the British Minister at Washington, had sent to Upshur, just two days before the latter's death. The letter enclosed a copy of a dispatch sent by Aberdeen to Pakenham. In this dispatch, the British Secretary of State stated that Great Britain would do nothing which would disturb the tranquillity of the slave-holding States, or which would affect the prosperity of the United States; but at the same time he wrote that Great Britain did desire the abolition of slavery throughout the world.

On April 12, 1844, a treaty of annexation with Texas was signed by Calhoun and by the Texan representatives, and was sent on to the Senate. Meanwhile Calhoun had replied to Aberdeen's dispatch by sending a letter to Pakenham, dated April 18. The letter protested, in moderate terms, against Great Britain's avowal of an intention to procure the abolition of slavery throughout the world; in regard to her own dominions, Great Britain was at perfect liberty to do as she thought best, but an abolitionist policy of Great Britain, applied to Texas, was a vital question for the United States, for it would expose the Texan frontier of the Southern States to inroads of abolitionists. Then followed a defence of slavery, as it was conducted in America. It was a most unfortunate letter. Pakenham, who was aware that it was coming, had tried to dissuade Calhoun from writing it, for the British diplomat knew his trade much too well to engage in a discussion with the State Department on the ethics of slavery.¹ He managed to close the correspondence without ill-feeling on either side. But a worse fate awaited the letter in the Senate, when it went there with the other documents accompanying the treaty. It was greeted as "the supreme example of Southern provincialism."² All the abolitionists were against the letter, and against the annexation of Texas, which seemed to be intended by the Southerners as a further rivet in the shackles of the slaves. The treaty therefore failed to obtain a two-thirds majority.

Tyler was not to be beaten, however. The Presidential election

¹ J. H. Smith, *Annexation of Texas*, p. 203, referring to F.O. Dispatch of Pakenham, No. 22, April 14, 1844.

² Channing, *op. cit.*, V, 543.

occurred soon after, and, standing for a second term, he fought the election on the ground of annexation. But Tyler had no great following; Henry Clay, a sort of perpetual candidate, got the nomination of the Whigs; Calhoun and Van Buren divided most of the nominations of the Democrats. Then it occurred to the historian Bancroft to suggest the nomination of Governor Polk of Tennessee, who was being thought of for nomination as Democratic Vice-President. The suggestion came as a ray of light in the general darkness and confusion of the Democratic Convention. Polk was elected, "the first 'dark horse' in the history of the Presidency."¹ The Tennessee lawyer was destined to accomplish a wonderful work.

James Knox Polk was one of the makers of the nineteenth century, and yet there was no especial brilliance about him, only solid worth. He was born on November 2, 1795, in Mecklenburg County, North Carolina. His grandfather had been an officer in the Revolutionary Army, his mother is stated to have been a great-grand-niece of John Knox, the Scottish Reformer. Young Polk, who was the eldest of ten children, was given a sound education in classics and mathematics, subjects which appealed to him because of "his taste for industry and precision."² He went to the University of North Carolina at Chapel Hill in 1815. After graduating, he studied law, and went into practice at Columbia, Tennessee. In 1823 he was elected to the Tennessee legislature, and thus came to know General Andrew Jackson. Polk was one of those who helped to get the General elected as United States Senator for Tennessee. "Few acts of his life gave him, in later years, greater pride than his participation in launching Jackson in his political career; and as the General was ever mindful of the welfare of his political supporters, this incident was no impediment to Polk's own political advancement."³ From this time Polk's career progressed steadily, although unostentatiously. In 1825 he was chosen to represent his country in the United States House of Representatives. In 1836 he was elected Speaker of the House, during the Presidency of Andrew Jackson. In 1839 he was elected Governor of Tennessee by the votes of the Democratic party, but in 1841, when he stood again, the Whigs carried the election of James C.

¹ Channing, *op. cit.*, V, 544.

² James K. Polk, *A Political Biography*, by E. I. McCormac (1922), p. 4.

³ McCormac, *op. cit.*, p. 5.

Jones. Polk as Governor had done a good work by restoring economy in the affairs of Tennessee State, but he had not become a national figure. When the Presidential election campaign began in 1844, the Democrats, who wanted Van Buren as President, at first put Polk on the same "ticket" as being a good, sound figure-head for the second place, the Vice-Presidency. The party-difficulties and chances that eventually brought out Polk as President showed him to be a man of luck. Since then historians have been apt to look upon him as a rather colourless man, who somehow made no mistakes, perhaps because he was well served. The publication of his *Diary*¹ (begun on August 26, 1845, and continued throughout his Presidency) disproves this idea. Polk had definite ideas about republicanism, democracy, and the duty of the United States as leader of the American continent. He was the directing force of his own cabinet, and he carried through the difficult triple annexation of Texas, California, and Oregon, in the *annus mirabilis* of 1846, without a hitch.

One of the first things that Polk did as President was to proceed with the annexation of Texas. The Texas Government wanted to send a *chargé d'affaires* to Washington, but Polk refused to receive such an official. Texas, he said, had "accepted the terms of annexation offered to her by the United States"; and "he considered Texas as being now virtually a part of our own country."² He was quite prepared to fight in defence of Texas, and had already sent the American squadron to the Gulf and the American army to the Western frontier, "to defend her territory and her people against the threatened Mexican invasion."³ The President's view extended further: he saw that the fate of California was dependent upon that of Texas. California, under Mexican sovereignty, was a vast, undeveloped region, with about a hundred thousand Indians, a few thousand whites (probably as many of these were British and American as there were Spanish); and it was even more remote from the centre of Mexican administration than was Texas. The old Spanish settlements, never very numerous, were in decay at this time. Richard H. Dana, in *Two Years before the Mast*, described them as being in ruins, when he visited California in 1835. Polk was quite willing that the United States should "purchase for

¹ *The Diary of James K. Polk*, edited by M. M. Quaffie (1910), 4 vols.

² *Diary*, I, 18 (September 6, 1845).

³ *Ibid.*

a pecuniary consideration Upper California and New Mexico " ¹; and with this end in view, he sent the Hon. John Slidell, of New Orleans, on special mission to Mexico; but the Mexican Government refused to receive Slidell. It was clear to anybody that if the United States won the impending war, she would annex, not merely Texas, but New Mexico and California, that is all Mexican territory north of the Rio Grande del Norte. The most recent American historian puts the case with all the robust common sense and realism (so often unjustly criticised) of a European Chancellery:

As to California and New Mexico, which lay between that province and Texas, if Mexico made war on the United States on account of this perfectly justifiable annexation, then those provinces might be considered in the light of an indemnity for the expenditure which Mexico would force upon the United States, and in that point of view the seizure of California and New Mexico would be right and proper. ²

There is no doubt that the action of the United States was perfectly correct, and that its results have been for the good of America and the whole world. It is only a pity that the Mexican Government could not brave the anger of its own people and simply accept the pecuniary indemnity, and so save a, for them, futile war.

Great Britain, which, unlike Mexico, might have got something out of a war, agreed to compromise in its own claims to a huge piece of disputed territory at the same time. The territory was Oregon. Polk had "decided" that the United States should have all this territory as far northwards as latitude 54° 40' (instead of latitude 49°), and he directed his Secretary of State, Buchanan, to communicate this decision to the British Minister at Washington, Pakenham. Buchanan said that such a communication would bring on war with Great Britain. The President said that he must do his duty, "and leave the rest to God and the country." Buchanan said "he thought God would not have much to do in justifying us in a war for the country north of 49°." ³ The President demurred to this view, but agreed to postpone his decision. So negotiations went on and the Oregon question was settled.

The war was very troublesome, for Mexico can never be otherwise than a difficult country to conquer. Santa Anna experienced one of his many changes of fortune when he came back from exile in Havana to be commander-in-chief of the Mexican army. But he had no success against Generals Zachary Taylor and Winfield

¹ *Diary*, I, 34.

² Channing, *op. cit.*, V, 552.

³ *Diary*, I, 5.

Scott. The British Government disinterested itself in the struggle.

The Foreign Office had honestly endeavoured to avert the war, but had been unable to dissuade the Mexican Government from attacking the American forces on the Rio Grande. Public opinion in Great Britain was very anti-American; and if the Mexicans had made a good fight the British Government might possibly have made some sort of armed intervention. Aberdeen's last message to Mexico (he retired from the post of Secretary of State at the end of June, 1846) was to tell the Mexican Government that Great Britain was not going to engage in a war in which she had no personal quarrel. The Mexican nation and Government had been "repeatedly warned in the most friendly and urgent manner of their danger," and "solely in consequence of their wilful contempt of that warning" had "plunged headlong down the precipice from which the British Government spared no efforts to save them."¹ Palmerston, who succeeded Aberdeen at the Foreign Office, wrote to Bankhead, British Minister at Mexico, that it would be very imprudent to break with the United States for the sake of a country which did nothing to defend itself.² All that the Foreign Office could do was to propose "good offices" towards making a settlement between the belligerents, and this offer Polk, whom a London paper called "the Napoleon of the backwoods," refused to accept. The war was brought to an end after the capture of Mexico City by General Scott on September 14, 1847, and the signature of the Treaty of Guadalupe Hidalgo on February 2, 1848. Mexico agreed to acknowledge the title of the United States to Texas, New Mexico and California. With the cession of the latter territory a dream—not a very serious dream really—of the British Foreign Office was shattered.

Alta California, or simply California as it is now always called, was almost cut off from Mexico by desert country. It had a Mexican Governor, and a Commander-in-Chief with a few ragged soldiers. The population was very scanty: "Two thousand would probably have included every human being possessing an appreciable amount of Caucasian blood."³ Of these perhaps five hundred were from the United States, there were some British subjects, a few Frenchmen, "fewer Germans," and they all lived, as a rule,

¹ Aberdeen to Bankhead on June 1, 1846, in J. H. Smith, *The War with Mexico* (1919), vol. II, p. 504, note 18.

² Smith, *op. cit.*, II, 306.

³ Channing, *op. cit.*, V, 563.

peaceably together, as far as they came into contact with each other in that large region. There was no national sentiment in California, and no annexationist question. The foreigners could not help seeing that the distant and revolution-ridden Mexican Government was not likely permanently to hold the vast empty territory which it could not use ; and they not unnaturally fell to wondering whether California would not fall to one or other Power which could and would make good use of it. Great Britain had never acquiesced in the view of President Monroe that no further colonisation by a European State was possible. She had an agent, Forbes, at San Francisco, who was an active, intelligent man.

In 1844, Forbes received an appeal from some body of Californians, asking that the country should be taken under the protection of Great Britain. He replied correctly that he had no authority to enter into negotiation on such a question ; he also reported the affair to the Foreign Office. Lord Aberdeen's answer was a decided negative. Great Britain, he said, would have nothing to do with any insurrectionary movement in California ; at the same time the British Government did not wish California to enter into any other tie which might prove inimical to British interests.¹

The British Admiral in the Pacific, Sir George Seymour, thought that war between Great Britain and the United States was possible, and asked for reinforcements. But when the Admiral asked the Foreign Office for information, he was told that there was no probability of war with the United States. Seymour seems to have shadowed the American Pacific Squadron, but no hostile incident occurred. It is said that Sir Robert Peel, the British Prime Minister, was rather "dazzled" by the prospect or possibility of getting California.² President Polk was convinced that "Great Britain had her eye on that country and intended to possess it if she could."³ Anyhow, it is admitted that the Foreign Secretary, Lord Aberdeen, received the project with unaffected dislike.⁴ When the Peel Government fell and Palmerston became Foreign Secretary, at the end of June, 1846, the Mexican Government offered to sell California to Great Britain. This was obviously intended to embroil Great Britain with the United States. To accept the

¹ Channing, V, 567. E. D. Adams, *British Interests in Texas*, 247.

² J. H. Smith, *The War with Mexico*, II, 302.

³ Polk, *Diary*, I, 71.

⁴ J. H. Smith, *op. cit.*, II, 302.

offer, which was made in December, 1847,¹ after the United States had won the war, but before peace was concluded, would have been an unfriendly act of the British Government towards the United States. If Palmerston was tempted by the offer, he was not foolish enough to jump at once into a trap, and a few weeks later the Treaty of Guadalupe Hidalgo settled everything.

Before this happened the United States had really got California. Lieutenant Frémont, of the United States Engineers, who was "exploring" with only thirty men in California, raised the American flag over his camp near Monterey in January, 1846. He went down later towards Sonoma, and co-operated with a party of twenty-five American settlers who seized Sonoma in June. Finally, Commodore Sloat, in command of the United States Pacific Squadron, landed and occupied Monterey on July 7. About ten days later Admiral Seymour anchored off Monterey with the British squadron. "He viewed Sloat's proceedings with great calmness."² After a week's visit he sailed away. This was the end of Great Britain's interest in the Californian Question.

¹ See J. H. Smith, *op. cit.*, II, 303.

² Channing, *op. cit.*, V, 578. See also F. L. Paxson, *History of the American Frontier* (1924), chap. 40.

CHAPTER XII

OREGON

When Lord Ashburton was in Washington in 1842 he reported to Lord Aberdeen, with reference to the British-American claims to Oregon : "The public is at present busy with this subject, and little in a temper for any reasonable settlement."¹ So nothing was done to settle the question then, but it could not be allowed to drag on for ever.

The State of Oregon, about twice as large as England, comprises the magnificent country of the Columbia River, the Cascade Mountains, and the Willamette Valley. But until 1846 Oregon meant far more than this : it meant practically all the western part of America north of the forty-second parallel, and south of the fifty-sixth, that is, between California and Alaska. Who were the first white people to arrive there, nobody could say. Spain had once had a good title to a great part of the Western Coast of America, but after 1821 Spain had lost all her possessions on the American mainland. The French dominion in Louisiana was never precisely defined ; no one knew how far west of the Mississippi the French claimed to "own." They certainly had not occupied and settled a great deal of the country, but their fur-traders and trappers had gone far and wide. "It may well be that the territory which can fairly be regarded as tributary to the St. Louis fur market covered a much greater extent than has formerly been supposed."² Whatever claim this fur-trading gave to the French passed to the United States by the Louisiana Purchase Treaty of 1803. But other people had been hunting and exploring all over Western America. The estuary of the Columbia River was first entered in May, 1792, by a Boston trading ship, the *Columbia*, under an American skipper, Robert Gray. He was followed very shortly by Captain Vancouver, of the British Navy, who got his first information from Gray, and

¹ Lord Ashburton to Lord Aberdeen, June 29, 1842 (F.O. [5] America, 379).

² Channing, *op. cit.*, V, 503.

who carefully explored the estuary. A little later explorers began to come into the Columbia valley from the land side.

The first man, however, to do anything really solid in the way of settling on the land was John Jacob Astor, a German of great capacity and integrity, who had emigrated to the United States in 1783, and had made a fortune in the fur trade. Finding that his operations were hindered by the Hudson's Bay Company, he determined to strike out on a new line, and equipped an expedition which founded Astoria, on the left bank near the mouth of the Columbia River, in 1811. The post was seized by the British in the War of 1812, but was restored by the Treaty of Ghent in 1814. But there were other agencies besides the Astor firm, trading in the region of the Columbia River. Two rival British corporations, the Hudson's Bay Company and the North-West Company, had posts there. In 1821 the Hudson's Bay Company absorbed its rival and inherited all its rights.

The Governments of Great Britain and the United States took little account of the Far West when they made peace and delimited their frontier in 1783. No British or Americans had even been there. Their common frontier was defined only as far west as the Mississippi. By the end of the War of 1812-14, however, the question of the right of possession of the territory farther west had become pressing. The Treaty of Ghent provided a means of settling the farther frontier after discussions between American and British Commissioners. As a result of such discussions, the London Convention of 1818 had continued the common frontier westward from the Lake of the Woods to the Rocky Mountains ; but there the agreed line stopped. Westward of the Rockies the title to the dominion of the whole of Oregon, in its widest meaning, was still in suspense. The British and American Governments left the future to settle this. Meanwhile, by the Convention of 1818, the territory was open equally to the nationals of both Great Britain and the United States. This arrangement lasted until 1846 ; it was subject to denunciation by any one side after a year's notice had been served on the other. President Polk early made up his mind to serve this notice, thus ending the so-called "Joint Occupation."

Neither the Americans nor the British really expected to get the whole of Oregon, in the wide sense of the word. The Government of the United States, indeed, had since 1826 been making offers to

Great Britain to accept a frontier drawn westward from the Rocky Mountains along the forty-ninth parallel, that is, to continue the line which already ran from the Lake of the Woods to the Rockies. But if the British Government had agreed to take the forty-ninth parallel as the dividing line, the nose or southern tip of Vancouver Islands and Puget Sound would have fallen to the United States. So the British Government rejected the offer. It would have liked a substantial part of the area south of latitude forty-nine, because the Hudson's Bay Company had old-established posts there. Polk on the other hand wanted the whole of Oregon. He held that the British claim to any part of it was an infringement of the Monroe Doctrine, which said that no fresh colonisation by a European State would be allowed. When, however, he explained to the highly influential United States Senator, Benton of Missouri, the significance of the Monroe Doctrine, the Senator, "without denying the general proposition," pointed out that the British claim to the Fraser River was as good as the Americans' to the Columbia.¹ Secretary of State Buchanan meant the same thing when he hinted to Polk that it would not be safe to rely on the intervention of God "north of 49°."

Actually, Polk, who felt morally bound by the offers which previous American administrations had made, began by proposing to Great Britain that he would adopt the forty-ninth parallel; he meant to keep the tip of Vancouver Island, but, as a concession, would maintain a "free post" on the south of the Island, for the use of British commerce (August, 1845). This offer was rejected, and so the President was free to claim, as he had done in his Inaugural Address on March 4 (1845), that the United States had the right to the whole of Oregon. Twelve months' notice that the Joint Occupation came to an end was given in April, 1846, and so the two Powers faced each other with the prospect of nothing to regulate their relations except physical force. Polk was "looking the British lion in the eye," and the lion, although not eager, was not hanging back. "We trust," the Prime Minister, Sir Robert Peel, had said in the House of Commons, "still to arrive at an amicable adjustment—we desire to effect an amicable adjustment of our claim; but having exhausted every effort to effect that settlement, if our rights shall be invaded, we are resolved—and we are prepared—to maintain them."²

¹ Polk, *Diary*, I, 70.

² April 4, 1845, Hansard, Third Series, LXXIX, 199.

The decision might have been left to the arbitrament of war. Polk—his private *Diary* proves this—did not shrink from the prospect in 1845. But in 1846 he had the Mexican War on his hands; and the British Government, although firm, was conciliatory, under Lord Aberdeen's careful stewardship of the Foreign Office.

British international financiers were also working for peace. Polk tells in his *Diary* how the Boston agent of Baring and Co. of London, an American, called upon him at the White House in October, 1845. The agent began by saying that he was the President's friend and the friend of the Administration. The President saw his real drift: "I soon discovered that the object of his visit was to obtain information in relation to the intentions of the Government of the United States on the Oregon question. . . . He spoke of the prosperous condition [of the two countries, and] of the great interest which both nations had in preserving peace." Polk very properly refused to divulge the Government's intentions, but confined himself to saying that the general policy of the United States was peace, and that the Oregon negotiation was still pending.¹

It is impossible to read this intimate *Diary* of Polk without becoming convinced that he was prepared to fight for his view of the Oregon question. It was Secretary of State Buchanan who, as the President wrote, "was desirous to leave the door open for further negotiations." Actually Buchanan, on October 27, 1845, suggested the terms on which the question was settled next year: in a Cabinet meeting held on that day, "Mr. Buchanan repeated what he had often before said, that he was willing to settle the question at 49° north latitude, yielding the Cape of Vancouver's Island to Great Britain."² The prevailing view in American history now is that the British Government could not involve its country in a war with the United States "because the voters would not have stood behind it."³ This view is perhaps correct. But the same thing is true of America. In a Cabinet meeting on November 28, 1845, writes Polk, "Mr. Buchanan expressed the opinion with some earnestness that the country would not justify a war for the country north of 49°."⁴ Evidently there was a "case" for compromise on both sides, and compromise was the result. The United States Government gave up its claim to that part of Vancouver

¹ *Diary*, I, 73-4.

³ Channing, *op. cit.*, V, 560.

² *Ibid.*, I, 76.

⁴ *Diary*, I, 107.

Island which was south of latitude 49°; the British Government gave up its claim to anything else south of 49°. This must have been a fair division, because the British and American public each strongly protested that their respective Governments had made a surrender of national property.

Polk himself came round to Buchanan's view. He had, it is true, stated in his Inaugural Address that all Oregon belonged to the United States. He maintained, too, that the offer of latitude 49° had been America's last offer: it was for the British Government to make further proposals. Aberdeen, therefore, made an offer from the British side for a frontier along latitude 49° from the Rockies to Vancouver Channel, and then south, along the middle of the Channel and of Fuca's Straits to the Pacific Ocean. Thus the British would keep all Vancouver Island, and share the southern exit of the Channel. Polk submitted the proposal to the Senate for their advice. The Senate, on June 12, advised him to conclude on the British proposal. The Treaty was, therefore, signed by Buchanan and Pakenham on June 15 (1846). This agreement between Great Britain and the United States took away the last hope of the Mexicans.

The chief credit for the settlement must go to Secretary of State Buchanan, and (besides Lord Aberdeen) to Pakenham, British Minister at Washington. Mr. Roebuck, the most pertinacious and critical of all the Radical opponents of Peel's Government, had acknowledged in the House of Commons that "British interests were quite safe in the hands of Mr. Pakenham."¹ The British Minister at Washington was a first cousin of the Major-General Pakenham who was killed in the attack on Andrew Jackson's lines before New Orleans in 1815. Born in 1797, in County Meath, Ireland, Richard Pakenham received the usual education of a member of a cultivated Irish family of the Protestant religion. He went to Trinity College, Dublin, and in 1817 entered the Foreign Office, probably through the interest of the Wellesley family with which he was connected. He served as Secretary in the British Legation in Switzerland, and later as Minister Plenipotentiary to Mexico. In the nineteenth century a British diplomatist who proved his capacity in Mexico, or Buenos Ayres, was usually promoted to the Washington Legation. It was so with Pakenham. In 1844 he was appointed Minister Plenipotentiary to the United States, and

¹ Hansard, Third Series, LXXVIII, 236 (March 3, 1845).

immediately was plunged into the Oregon problem. Polk's *Diary* bears witness to the good sense and discretion of the British Minister ; the settlement of the Oregon question in 1846 was a great credit to both these statesmen and to James Buchanan. Pakenham left Washington in 1847. He died at Castle Pollard, Westmeath, unmarried, in 1868.

CHAPTER XIII

MID-CENTURY DIPLOMACY

By the middle of the nineteenth century the relations of Great Britain and America with each other were on a good footing. The people of the United States had reason to be pleased with themselves: they had grown enormously. Polk's administration alone added Texas, New Mexico, Arizona, and California, as well as confirming American ownership in Oregon. In fact, since the Treaty of Ghent the area of the United States had been increased by about fifty per cent. So Great Britain had not seriously hindered the progress of her grown-up daughter. It is true, as an American historian remarks with a good-humoured grumble, that whenever the people of the United States have encountered the British Government, they have always had to compromise.¹ But the same grumble might be made from the British side. The fact that neither party has ever gained all its demands only proves that they never put forward unreasonable claims, that each was powerful and prepared to defend its view, that each recognized and respected this attitude in the other, and that each negotiated with patience and good sense. The type of diplomatic agents employed on either side has been wholly good since the Treaty of Ghent: they quickly established a tradition that while the policies of their Governments might make them exchange sharp Notes, their personal relations should be not merely correct but friendly. It was always easy for the British Ministers at Washington to observe this attitude, for they were professional diplomatists, who had each usually gone through a long selective training in suavity. A study of American documents sometimes leaves the impression that the State Department would have preferred to find more signs of feeling in the friendly but singularly non-committal attitude of the British diplomatists. In London the American Ministers were perhaps a little more expansive

¹ Fish, *American Diplomacy*, 271.

and plain-spoken, but they never felt out of touch with British society, which had naturally so many affinities with them. Considering the bias which American education used to produce against British history and institutions, the Ministers themselves were often a little surprised, on arriving in London, to see how much they found to like in England.¹ Rush in the early nineteenth century and Page in the early twentieth are good examples of this truth. Another was George Bancroft. His own famous *History of the United States* has a distinctly anti-British tone. Yet he served the years of 1846-9 at the London Legation, not only with distinction, but with enjoyment to himself and to the British. Almost his earliest letter from London begins: "We find ourselves already having a circle of most agreeable acquaintances."²

In 1846 a movement in the political-economic relations of the two countries took place which, if continued, would have had the profoundest effects. This was a movement for Free Trade between Great Britain and America. It was in this year that Sir Robert Peel carried through Parliament his Bill to repeal the Corn Laws. Great Britain made a tremendous step towards Free Trade, and it was generally understood that the process would be completed in the next few years; and, actually, the process was completed, by the subsequent budgets of Mr. Gladstone in 1859, 1860, and 1861. Many people in England expected, although Peel himself was not over-sanguine, that other countries would follow Great Britain's example; and for a time the United States showed some inclination to do so.

The United States, at the time of the Mexican War, greatly benefited by Great Britain's repeal of the Corn Duties. The Irish Famine of 1845 and 1846, which was the immediate cause of the repeal of the Corn Duties, necessitated a great importation of wheat from the United States. The payments made in return for this greatly eased the financial situation of Polk's Administration, and aided the Treasury in its task of financing the Mexican War. Polk was a Democrat, from the agricultural South, the

¹ Cp. the remarks of Owen Wister in *A Straight Deal or the Ancient Grudge* (1920), pp. 81-91. Cp. also, for the new treatment of British-American history, the works of H. L. Osgood on *The American Colonies*, of G. L. Beer, and for a briefer treatment A. B. Hart, *New American History* (1917), p. 126 ff.

² To John Appleton, February 3, 1847, in Howe, *Life and Letters of George Bancroft* (1908), II, 11.

land of cotton and tobacco, and his party had never been favourable to the Tariff policy of the Whigs, who were largely New England manufacturers. The Democrats always advocated a tariff for revenue rather than for protection; and in 1847 Polk's Administration carried a measure through Congress which superseded the protective tariff of 1842 by one for revenue purposes only. Imports from Great Britain and the rest of Europe increased, and the general cost of commodities was lowered. Money became cheaper, and the rate of interest at which the Administration could borrow fell to six per cent. Free trade between Great Britain and America would undoubtedly have strengthened the ties of interest between the two countries. The tariff of the United States continued to be on a moderate scale, mainly for revenue, down to the Civil War. The decided victory of the Republican party in this struggle may perhaps account for the subsequent policy of Protection which has on the whole predominated.

Polk's tenure of the Presidency ended in 1849. He was succeeded by Zachary Taylor, a Whig (the party soon was to be called Republican). Taylor, who, although not so able as Scott, was a capable general, and anxious to do his duty as President, had no time to leave his mark on politics. He was only at the White House for fifteen months, and died on July 9, 1850. The Vice-President, Millard Fillmore, stepped into his place for the residue of the Presidential term. Fillmore was not a distinguished man, but he had talent. He is described as "a self-educated, self-made man, and a safe, although not a brilliant lawyer."¹ He was, like the President whom he succeeded, a Whig. The next President, Franklin Pierce, was a Democrat, the son of an officer of the War of Independence, an eminent lawyer as well as a politician. He had also fought with distinction in the Mexican War; having refused to be President Polk's Attorney-General, he had enlisted as a private for the Mexican War, and ended as a Major-General. Pierce was succeeded by Buchanan, another Democrat, whose term ended in March, 1861, when the Civil War had already started.

No student of diplomacy can afford to neglect domestic affairs; and no observer can fail to see that the United States of the forty years before the decade 1850-1860 was a very different place from

¹ Rhodes, *History of the United States* (ed. 1920), I, 178.

the United States in the forty years after that decade. The central, all-absorbing fact of the decade is the question of Abolition, and the shadow of the coming War of Secession. A minor but still momentous fact of the decade is the change in the party-system: instead of *Whigs* and Democrats, there grows up an opposition of *Republicans* and Democrats: the old Whig party broke up after the passage of the Kansas-Nebraska Act, which involved the repeal of the Missouri Compromise, in 1854. By this time all the statesmen who had grown up in the shadow of the name, and even of the presence, of Jefferson had passed away. John Quincy Adams died in 1848, J. C. Calhoun in 1850, Henry Clay in 1852, Daniel Webster in 1852. All these men had remained in political life practically to their last days. Webster was Millard Fillmore's Secretary of State in 1850, and both Clay and Webster were put forward for nomination as Presidential candidates in the year of their death, 1852.

From the point of view of the student of diplomacy, the domestic affairs are striking because they cut across a well-defined foreign policy. For, in its external policy, during the decade 1850-1860, the United States Government was undoubtedly beginning definitely to spread its wings. Two incidents show this quite clearly—one, the Hülsemann Letter, the second, the attempt to get Cuba from Spain.

The Hülsemann Letter of 1850 grew out of the sympathy felt in the United States with the efforts of peoples to gain national self-government or independence in Europe in 1848 and 1849. President Taylor had sent an agent or "observer" (Ambrose Dudley Mann, attaché of the Legation at Paris) to Hungary in 1849, to report on the revolution there, in case the United States should think fit to recognize the Hungarian State. Chevalier Hülsemann, the Austrian *chargé d'affaires* at Washington, managed to obtain a copy of the Instructions issued by Secretary of State Clayton to Mann, for the secret mission to Hungary. Thereupon Hülsemann called upon Clayton, demanding an explanation. Clayton, however, countered this by asking how Hülsemann had obtained a copy of Mann's original Instructions.¹

When Fillmore became President and Webster Secretary of State, Hülsemann, whose instructions did not allow him to forget the

¹ McMaster, *History of the People of the United States*, VIII, 147, quoting Clayton to Webster, January 2, 1851.

Hungarian question, sent an official letter of protest concerning the mission of Mann. This letter was, doubtless, rather haughtily expressed.¹ Daniel Webster, old though he was, was still a master of vigorous penmanship and lucid expression: he seized the occasion to vindicate the right of the United States to show interest and "warm sympathy" with "those great ideas of responsible and popular government on which the American constitutions themselves are wholly founded." He added (rather unnecessarily), "the power of this republic, at the present moment, is spread over a region one of the richest and most fertile on the globe, and of an extent in comparison with which the possessions of the House of Hapsburg are but as a patch on the earth's surface. Its population, already twenty-five millions, will exceed that of the Austrian Empire within the period during which it may be hoped that Mr. Hülsemann may yet remain in the honourable discharge of his duties to his Government."² The reception given by the Senate of the United States to Kossuth, the leader of the Hungarian rebellion, when he came to America in 1851, was another pointed indication that the United States was not wholly without interest in the affairs of Europe, and was quite prepared to take its own line in respect to these affairs.

The Cuban Question did not merely show the expansive ideas of the great new nation of Americans; it involved direct contact with European affairs. It was no secret to anyone that the United States hoped to acquire Cuba. In August, 1851, General Narciso Lopez, a native of Venezuela, raised an expedition of adventurers in the United States and made a descent from New Orleans upon Cuba. His object was primarily to free Cuba by starting a revolution there. He was also favourable to the plan of joining Cuba to the United States. He failed in his expedition and lost his own and many other lives. The disaster produced great excitement in New Orleans, and a mob broke into the office of the Spanish Consul and insulted the portrait of the Queen of Spain. The Spanish Minister at Washington naturally protested against this and demanded redress. Webster replied with a Note in which, in dignified and sincere language, he made an ample

¹ September 30, 1850. Text in *The Works of Daniel Webster*, National Edition (1903), XII, 163.

² The Secretary of State to Mr. Hülsemann, December 21, 1850, in *The Works of Daniel Webster*, XII, 168, 170.

apology. The Note, when published, evoked the hearty commendation of Lord Palmerston, who had himself considerable experience in this kind of diplomacy. The United States paid an indemnity for damages to the Spanish Consulate.

So far, the Cuban Question was being well handled. Nevertheless, everybody knew that the people of the Southern States at least were anxious that Cuba should be taken or acquired from Spain. In 1852, the year after the Lopez expedition, the British and French Governments, under the influence of Palmerston and Walewski, two statesmen who were strongly attached to the existing treaty-system, directed Notes to the State Department on the Cuban Question.¹ The Notes contained a proposal, it would seem, along the lines of the famous Doctrine of President Monroe himself. The British, French and United States Governments were to guarantee the possession of Cuba to Spain, and to disclaim for ever any intention of acquiring the Island.²

Webster had now retired from the State Department. In his place was Edward Everett, orator, scholar, man of letters. He had been Minister to the Court of St. James from 1841 to 1845. Previously to this he had been Professor of Greek at Harvard and editor of the *North American Review*, the soundest organ of enlightened public opinion in America. After his English Mission, he was President of Harvard College for three years (1846-9). Everett knew better than to commit his Government in one direction or another with regard to such unforeseeable contingencies as were involved in the affairs of Spain and Cuba. Therefore, while stating that Cuba might, in certain circumstances, become an American possession, he mainly confined himself to general and unimpeachable statements about morality and public policy: the State Department, he said, would show "that it was possible to reconcile the progressive spirit and tendency of the country and of the age with the preservation of the public faith, with the sanctity of the public honour, and with the dictates of an enlightened and liberal conservatism."³

¹ As far back as 1825, George Canning had proposed a joint Anglo-French-United States Note to Spain on the Cuban Question. France at that time rejected the proposal (Sir C. Vaughan to Canning, December 6, 1825, in *Vaughan MSS.*, All Souls).

² See *The Congressional Globe*, vol. XXVI, p. 139 (Speech by Senator Mason).

³ Everett to Comte de Sartiges, December 1, 1852, in Rhodes, *History of the United States, 1850-1860* (1893), I, 296.

If we bear in mind that practically every one in the United States at that time believed in the "manifest destiny" (the phrase was used in Congress) of the States to annex Cuba, and if we reflect that over seventy years have passed without such annexation taking place, it must be admitted that Everett's Note was something more than a polite refusal of the Anglo-French proposal. It was a statement of a line of policy, a policy of the "free-hand," of possible intervention in Cuba, but at the same time of fair-dealing, which has, on the whole, been carefully maintained. Everett was really on less firm ground when he left the Cuban Question and commented on "the undoubted operation of the law of our political existence" (a periphrasis for *manifest destiny*), and said that "every addition to territory of the American Union has given homes to European destitution, and gardens to European want."¹

The Cuban Question was still a burning affair when Edward Everett retired from the State Department in March, 1853. The new President, Franklin Pierce, made William L. Marcy his Secretary of State. Jefferson Davis, a former officer in the United States Army and graduate of West Point, was Secretary of War. James Buchanan was Minister to the Court of St. James, and Pierre Soulé, a Frenchman, who had emigrated to the United States on account of his political opinions, was Minister to the Court of Madrid. Buchanan had instructions to attend carefully to the relations of Great Britain and Spain over the Cuban Question. It was not in London, however, but in Madrid, at the American Legation, that the trouble started.

Pierre Soulé was a proud Frenchman, very sensitive for the dignity of his adopted country and himself, and ready to use a high hand in his dealings with Spain. He started by fighting two duels, one of them being with the Duke of Alba, who was married to a sister of the Empress Eugénie of France. The quarrel occurred at a reception of the Countess of Montijo, the mother of the Empress Eugénie and of the Duchess of Alba, and herself the acknowledged leader of Madrid society. Next, Soulé fought a duel with the Marquis de Turgot, the French Ambassador at Madrid. The British Minister, the popular soldier-diplomatist, John Hobart Caradoc, Lord Howden, acted as Turgot's second.

Soulé did not, in these episodes (he was the challenger both

Senate Doc., 2nd Session, 32nd Congress, Doc. 13 in Rhodes, I, 296.

times), make himself a *persona grata* with either the Spanish, French or British Governments. The duels occurred in 1853, and resulted in nothing worse than a permanent limp for the French Ambassador. But in 1854 an event occurred which seemed likely to produce a permanent wound upon Spain. In February, the Spanish authorities in Havana seized an American merchant-ship, the *Black Warrior*, and confiscated her cargo, on account of an infringement of the port regulations. Soulé was instructed to protest against the treatment of the *Black Warrior*, and to demand reparation.¹ He did so, but took, it seems, no trouble to ease the situation for the sensitive Spanish Government, which had apparently acted at Havana within its legal rights. Out of this episode war nearly ensued between Spain and the United States, and would undoubtedly have ensued if the President and the State Department had been anything like as bellicose as Soulé was. Pierce and Marcy had steady minds and a sense of justice. Moreover, public opinion in the United States was concentrated on the Kansas-Nebraska Bill which was passing through Congress at the time. The British and French Governments were undoubtedly favourable to the Spanish, although, owing to the Crimean War, they would, probably, not have intervened in any active manner. But the British attitude had one result: the Spanish Government had no objection to letting the British public know the facts of the matter; and so the correspondent of *The Times* at Madrid had good information of the negotiations between Soulé and the Spanish Foreign Minister. The information was published, not merely in Great Britain, but also in American newspapers, and, in return, information of American journals was freely quoted, at any rate where it made for peace, in *The Times*.² Thus the American public was able to see that there was no just cause of war with Spain. The Southern States, and the Secretary for War, Jefferson Davis, wanted war, but Pierce and Marcy would not be moved. Soulé, who was expecting instructions from the State Department to demand his passports, was left to cool his ardour at Madrid. Nevertheless, war between Spain and the United States was only avoided by the narrowest of margins.

¹ *The Times*, March 31, 1854; cp. *The Times*, March 30, 1854, on President Pierce's Message to Congress.

² E.g. *The Times*, August 23, 1854, quoting *The New York Tribune*; cp. Rhodes, *History of the United States* (1893), vol. II, p. 24.

During the crisis, Mr. Crampton, the British Minister at Washington, had acted for Spain, which was only represented by a *chargé d'affaires* at the capital.¹

The State Department, though against making use of any good pretext in order to seize Cuba, was very ready to see the Island purchased by the United States. Even before the *Black Warrior* affair, Soulé had been instructed to make an offer. Rumour said that he had private influence with Queen Isabella.² The Government of Isabella of Spain was poor, and was discredited by the Queen's not wholly irreproachable private life. The Government, however, seems not to have taken much notice of the offers, except to state definitely that "to part with Cuba would be to part with national honour." The scene of action was then shifted to Ostend, where three American diplomatists solemnly held a conference. It could not have been better or more seriously staged in the days of the Holy Alliance when Metternich, the Tsar of Russia and the King of Prussia were regulating international affairs from Aix or Troppau or Vienna.

Buchanan, American Minister from London, Mason from Paris, Soulé from Madrid, met at Ostend for three days in October, 1854, to discuss the Cuban Question. "The Conference of the most influential American diplomatists at present in Europe" (so said the *Cologne Gazette*), "which was to have been held at Bâle, is to take place at Ostend. It is at the desire of the Washington Cabinet that they are to meet and discuss what line of policy it is desirable for the United States to follow with regard to Europe."³ But it was not Europe that the diplomatists were discussing: it was Cuba. The result of the Conference was the now celebrated Ostend Manifesto (which was actually written at Aix-la-Chapelle, to which the diplomatists had adjourned), dated October 18, 1854. Its gist was made public by the *New York Herald*, and reproduced in *The Times* on November 20. The Manifesto stated that:

After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, does Cuba in the possession of Spain seriously endanger our internal peace and the existence of our cherished Union?

Should this question be answered in the affirmative, then, by every law, human and divine, we shall be justified in wresting it from Spain

¹ *The Times*, March 31, 1854.

² *The Times*, June 22, 1854 (p. 12).

³ Quoted in *The Times*, October 14, 1854.

if we possess the power ; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbour if there were no other means of preventing the flames from destroying his own home.

Under such circumstances we ought neither to count the cost nor regard the odds which Spain might enlist against us.¹

The tone of this Manifesto evidently caused some alarm in the United States. Mr. W. W. Bryce, of South Carolina, said in the House of Representatives, à propos of the Cuban Annexation Question :

We may extend our dominion over the whole continent, our navies may ride triumphant on every sea, our name may be the terror of kings, our decrees the destinies of nations, but be assured it will be at the price of our free institutions.²

Unfriendly critics of the Ostend Manifesto have said that Soulé sought Cuba for manifest destiny, Mason for the Southern Confederacy, and Buchanan for the Presidency.³

But though Buchanan and Mason, discussing Cuban and American politics in the European atmosphere at their hotel at Ostend, might succumb to the Machiavellian reasoning of the "bird-charmer,"⁴ Soulé, the steady hand of Secretary Marcy at the helm of the State Department was not to be shaken. He replied coldly in a dispatch to Soulé that the United States was willing to purchase Cuba if Spain would sell, but that the transaction must not be urged on unwilling sellers. Soulé simply could not understand the dispatch : "I am stunned," he said, and sent in his resignation.⁵ The Cuban Question was closed, not for ever, but for a good long time. The British Government, openly friendly to Spain, because of the traditions of the Peninsular War and the Carlist War, had nevertheless been acting fairly to both parties. Lord Clarendon, the British Foreign Secretary, had told Buchanan in 1853 that if the Spaniards lost Cuba it would be altogether their own fault, and they would be indebted for it to the wretched manner in which they governed the island. At the same

¹ Full text in *Select Documents Illustrative of the History of the United States*, edited by W. Macdonald (1903), pp. 406-12.

² January 15, 1855 (*Congressional Globe*, vol. 31, p. 94).

³ *Cuba and International Relations*, by J. M. Callahan (1899), p. 288.

⁴ Field, *Memories of Many Men*, p. 76 (*apud* Rhodes, *op. cit.*, II, 40).

⁵ Field, *op. cit.*, p. 79 (*apud* Rhodes). Cp. *Parties and Slavery*, by T. C. Smith (1906), p. 88 ; and Latané, *Diplomatic Relations of the United States and Spanish America* (1900), pp. 127-33.

time he pointed out to the American Minister that the British Government had a sympathy for Spain, "arising out of their ancient alliances."¹

It was the question of Central America which was now beginning most vitally to affect the relations of Great Britain and the United States. After the acquisition of Texas and California, and the successful waging of the Mexican War, many people in the United States confidently expected that the acquisition of Central America would, by one means or another, soon follow. The British Government was well aware of this expectation. In Central America the reputation of Great Britain stood high. British trading interests there were considerable. Honduras (or Belize as it was called) was a British colony. The proclamation of the Monroe Doctrine in 1823, and the renewed vigour which President Polk infused into the Doctrine in 1845, brought suspicion into the relations of Great Britain and the United States, so far as regarded Central America. Besides possessing Belize, the British Government also had the alliance, since the middle of the seventeenth century, of the chief or "king" of the Mosquito Indians. The chief's territory, the Mosquito Coast, lay a long way south of Belize, on the Caribbean Sea. Under Palmerston's vigorous administration of the Foreign Office, this alliance became a virtual British Protectorate of the Mosquito shore. In 1847 Captain Loch, of H.M.S. *Alarm*, installed a British political agent at San Juan (which was renamed Greytown) after there had been some fighting with the Nicaraguans. All this activity of the British in Central America was disturbing to President Polk, who had just concluded (December 12, 1846) a very important treaty with New Granada, as the Republic of Colombia was then called. Besides stipulations fulfilling the normal American views concerning blockades, contraband and kindred matters which the war with Mexico naturally brought prominently forward, another stipulation touched upon the question of an interoceanic canal: "The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the

¹ Buchanan to Marcy, November 1, 1853, from State Department Archives. Quoted by Rhodes, I, 538.

United States." In return, "the United States guarantee, positively and efficaciously, to New Granada, the perfect neutrality of the before-mentioned Isthmus,"¹

Altogether affairs in Central America had sufficient combustible material to make possible or even imminent a war between the United States and Great Britain. The United States were asserting the Monroe Doctrine in Central America and wanting to make or control an interoceanic route; and the British were extending their authority in the same area, and were absolutely determined to keep open to British commerce whatever routes should be constructed then or in the future. Indeed it is inconceivable that a State like Great Britain with world-wide maritime interests should fail to interest itself very keenly in any question of interoceanic transit.

The town of Greytown (or San Juan), where the claim of the Mosquito chief to possession was maintained by an armed force of Great Britain, was on the San Juan River. Now the San Juan River was one of the possible routes for an interoceanic canal. More than this, the Government of Costa Rica, nearer to the Isthmus of Panama, in 1848 requested to be allowed to come under the protection of the British Government. The British Government, however, did not wish for the responsibility of additional colonies or protectorates, and so refused the request. The American Government learned about it through the Costa Rica agent in London.²

No praise can be too high for the activity and industry of Lord Palmerston. He was Secretary of State for Foreign Affairs at this time, and knew all about the Mosquito Coast, the San Juan River, and the Canal Question. Bancroft, the United States Minister in London, had several interviews with him in the year 1849 on these subjects, and found him very frank and also very firm. Clayton, the American Secretary of State, wrote to Rives, who was going to Paris to the Legation there: "We are deeply anxious to avoid any collision with the British Government in relation to this matter; *but that collision will become inevitable if great prudence be not exercised on both sides.*"³ Rives was instructed

¹ Treaty of Bogota, December 12, 1846, in Malloy, 302-14.

² M. W. Williams, *Anglo-American Isthmian Diplomacy, 1815-1915* (1916), p. 71, quoting F.O. Costa Rica, vol. I.

³ Quoted by Williams, *op. cit.*, p. 75. The italics are mine.

to visit London on his way to Paris, and to speak with Lord Palmerston. He did so and found the British Foreign Secretary very cordial, and very clear and relevant in his views and remarks. Rives explained that the United States sought "no exclusive privilege or preferential right of any kind in regard to the proposed communication," but at the same time, "could never consent to see so important a communication fall under the exclusive control of any other great commercial power." This was the sort of language that Palmerston understood and respected: it was not menacing, it was simply sensible and decided. He took up the two points, and on them helped to make the Clayton-Bulwer Treaty, one of the best things in the whole of Palmerstonian diplomacy. Rives had seen clearly that what Palmerston wanted was not to secure a British monopoly of the interoceanic route, but to prevent a United States monopoly.

Acting on the information sent to Washington by Rives, Secretary of State Clayton was able to give full and clear instructions to Abbot Lawrence, who succeeded Bancroft as Minister to the Court of St. James in October, 1849. After discussions in London between Lawrence and Palmerston failed to produce a solution of the Canal and Mosquito questions, the negotiations were transferred to Washington, and were then conducted between Sir Henry Lytton Bulwer, who had been appointed to the Legation at Washington in April, 1849, and Secretary Clayton himself. Bulwer was not fortified by treaty-making powers or instructions, but, finding that the State Department was disposed to treat, he seized the opportunity and conducted the negotiations. The result was a project of treaty, concluded on February 3, and then sent by Bulwer to the Foreign Office with a full letter of explanation.¹ Palmerston approved of Bulwer's proceedings, and sent him full powers to sign. Accordingly Clayton and Bulwer put their signatures and seals to the treaty on April 19, 1850.

The Preamble stated that with the object of "consolidating relations of amity which so happily subsist" between Great Britain and America, the two Contracting Parties made this Convention concerning the means of communication between the Atlantic and Pacific Oceans by way of the River San Juan de Nicaragua, and the lakes of Nicaragua or Managua. The most important words were in article 1:

¹ *Parliamentary Papers*, 1856, LX, 35-40.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal ; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America.

The article also forbade either Contracting Party to use any alliance or influence that it might have in "any part of Central America" in order to obtain exclusive rights of commerce or navigation. Rights acquired for the citizens by one party must be offered "on the same terms to the citizens or subjects of the other."

Article 2 provided that the canal should be neutral in any war which might arise between Great Britain and the United States : in such circumstances, British and American ships traversing the canal were to be exempt from blockade, detention or capture. By article 3 the Contracting Parties undertook to protect the canal when completed and to guarantee its neutrality. In order that the widest possible benefits should accrue from this status of the canal, the Contracting Parties agreed "to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other" (article 6).

Article 6 also alluded to "the great design of this Convention, namely, that of constructing or maintaining the said canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all, and of protecting the same." But the "great design" was also something wider than this, it was meant "to establish a general principle"; accordingly the Contracting Parties agreed "to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to interoceanic communications . . . by way of Tehuantepec or Panama." Any other State which was willing could subscribe to these arrangements and obtain the same advantages.

The Clayton-Bulwer Treaty, concluded in 1850 and standing thus exactly in the middle of the nineteenth century, must be regarded as a work of real statesmanship, animated by common sense and the spirit of fair play, and by a restrained but genuine

care for humanity. If the treaty gave trouble at the end of the century, this was because its international spirit was found to be an obstacle to the spirit of nationalism and of commercial exclusiveness which in some respects was stronger at the end of the century than at the beginning.

Henry Lytton Bulwer, the author, on the British side, of this fine mid-century treaty, was a professional diplomatist. Born in 1801, he was the elder brother of the famous novelist and statesman, the first Lord Lytton. Henry Bulwer was educated at Harrow and Trinity College, Cambridge, and entered the British diplomatic service in 1827, and served his apprenticeship in the embassies at Berlin, Brussels, and The Hague. Then followed seven years as a Member of Parliament. In 1837 he was appointed Secretary of Embassy at Constantinople; and from 1843 to 1848 he was Minister to the Court of Madrid, and had to deal with the difficult episode of the "Spanish Marriages"—the double marriage of Queen Isabella and her sister. Palmerston had great confidence in Henry Bulwer; and although the diplomatist had lost the Spanish Alliance for Great Britain and had seen France carry off the spoils, yet he was made a Knight Commander of the Bath and was appointed to the Washington Mission. After Washington, Florence, Bucharest, and finally Constantinople, were the scenes of his activities, and gave further exercise for his eminent diplomatic gifts. Lytton was a good judge of men, an informing writer of dispatches, and a clear-headed negotiator. He died in 1872 after having been raised to the peerage as Lord Dalling; he left behind him an important life of his great chief at the Foreign Office, Lord Palmerston.

As a diplomatist Bulwer was said to excel through his *sang-froid*, his negligent manner, "his complete mastery of the subtlest arts of a conversationalist." At Washington he was in the highest degree popular, and in his public appearances and speeches he "more than once" roused immense American audiences to "exceptional enthusiasm." The recollections of a friend describe him as possessing a sweetness of disposition and a high-bred manner that made him a universal favourite. "Habitually sauntering through society with an air of languor, he veiled the keenest observation under an aspect of indifference. Whenever in his more delicate negotiations he was in reality the most cautious, he was seemingly the most negligent. The apparently languid

way in which he related an anecdote gave it a peculiarly poignant effect.”¹ Such an ambassador could not help being on good terms with Secretary of State Clayton, who was himself a genial, accessible man, of a brilliant conversation.

¹ Charles Kent in the *Dictionary of National Biography*, s.v. Bulwer.

CHAPTER XIV

CLOTHES, FISH, AND SLAVES

William Learned Marcy, Secretary of State to President Franklin Pierce, was a man of solid common sense and of plain democratic habits. Born in 1786, he fought in the War of 1812 and captured a British flag. He returned from the war to his career of lawyer, edited a daily newspaper, became a judge of the Supreme Court of New York, next, a United States Senator, and was three times Governor of New York. In the Mexican War of 1846 Marcy was Polk's Secretary of War, and showed high administrative ability. In 1853 Franklin Pierce made him Secretary of State. Laurence Oliphant described him as "a genial and somewhat comical old gentleman, whose popularity with his countrymen seemed chiefly to rest on the fact that he had once charged the United States Government fifty cents 'for repairing his breeches.'" ¹ Marcy's capacity as an administrator and an international lawyer was to be fully employed.

He first set about to reform the diplomatic dress of his country's representatives abroad. Originally, American diplomatic agents had worn what is usually described as "the simple dress of an American citizen." By the time the Treaty of Ghent was being negotiated, a regular uniform was being recommended by the State Department: "A blue coat, lined with white silk; straight standing cape, embroidered with gold; buttons plain, or if they can be had, with the artillerist's eagle stamped upon them; cuffs embroidered in the manner of the cape; white cassimere breeches, gold knee-buckles; white silk stockings, and gold or gilt shoe-buckles. A three-cornered *chapeau-bras*; a black cockade to which an eagle has been attached. Sword, etc., corresponding." On special occasions, the hat was to be decorated with an ostrich feather the uniform was to have more embroidery. The representatives of the United States were not going to appear as inferior to the repre-

¹ L. Oliphant, *Episodes in a Life of Adventure* (1887), p. 51.

sentatives of the monarchies of Europe. One is reminded, in reading all this, of George Washington and his coach with six cream-coloured horses.

In the more democratic days of President Andrew Jackson, the State Department recommended a more simple uniform: black jacket, instead of blue, no cape, breeches black or white; but the *chapeau-bras*, eagle and sword were retained.¹

Soon after Marcy became Secretary of State he issued a circular to all the United States representatives abroad, ordering them, in order to show their respect for republican institutions, to appear, whenever practicable, in the simple dress of an American citizen.

Except at the Prussian and British Courts the American Ministers had no great difficulty in carrying out Marcy's recommendations about uniforms, within the latitude that he allowed them. Queen Victoria and the Prince Consort, thoroughly kindly, good-natured and unpretentious, were nevertheless, like all true bourgeois, very correct in their demeanour. They insisted firmly upon conformity with their standard of respectability. Accordingly James Buchanan, the American Minister at London, found himself in a difficulty: he had a great respect for the Queen and did not wish to offend her. Moreover, he personally rather liked the *beau monde* of fashion.² On the other hand, conforming to Marcy's views, he determined not to wear gold lace or embroidery at Court. For the opening of Parliament in February, 1854, the diplomatic corps had to appear, according to the Lord Chamberlain's regulations, in full Court dress. Therefore Buchanan did not attend the ceremony, and his absence aroused a great deal of comment in the journals. *The Times* wrote with restraint (although its facts were incorrect), but the *Chronicle*, in its remarks, passed all the bounds of decency:

There is not the least reason why Her Majesty . . . should be troubled to receive the gentleman in the black coat from Yankee-land. He can say his say at the Foreign Office, dine at a chop-house in King Street, sleep at the old Hummums, and be off as he came, per liner, when his business is done.³

¹ See Rhodes, *op. cit.*, I, 507-8.

² Edward Everett to Sir C. Vaughan, April 9, 1837 (*Vaughan MSS.*, All Souls).

³ Quoted by Rhodes, *op. cit.*, I, 512, from citation in the *New York Evening Post*, April 8, 1854.

Buchanan took no notice of this insolence, and solved his difficulty by arrangement with the Master of the Ceremonies.

On February 24, 1854, he was able to write to his niece, Miss Harriet Lane, as follows :

The dress question, after much difficulty, has been finally and satisfactorily settled. I appeared at the levée on Wednesday last in just such a dress as I have worn at the President's one hundred times. A black coat, white waistcoat and cravat, and black pantaloons and dress boots, with the addition of a very plain black-handled and black-hilted dress sword. This to gratify those who have yielded so much, and to distinguish me from the upper court servants. I knew that I would be received in any dress I might wear ; but could not have anticipated that I should be received in so kind and distinguished a manner. Having yielded, they do not do things by halves. As I approached the Queen, an arch but benevolent smile lit up her countenance—as much as to say, you are the first man who ever appeared before me at court in such a dress. I confess that I never felt more proud of being an American than when I stood in that brilliant circle, “in the simple dress of an American citizen.”¹

Buchanan explained to Secretary of State Marcy : “In the matter of the sword, I yielded without reluctance to the earnest suggestion of a high official character, who said that a sword, at all courts of the world, was considered merely as the mark of a gentleman.”

There were more troublesome things than dress which rippled, although not seriously, the smooth surface of Anglo-American relations. Such things were claims of the nationals of one State against the Government of the other—claims for wrongful seizure of cargoes, for unlawful exacting of Customs duties, and such-like. Some of these claims were as old as the War of 1812 ; some, such as that arising out of the slave-ship *Creole* in 1841, had in their time created considerable excitement.² On February 8, 1853, Buchanan's predecessor, Joseph Reed Ingersoll, Minister of the United States in Britain, and Lord John Russell, Secretary of State for Foreign Affairs, signed at London a Claims Convention. All claims of corporations, companies, or private individuals, of one State against

¹ *Life of James Buchanan*, by George Ticknor Curtis (1883), II, 114. Cp. Rhodes, *op. cit.*, I, 512

² The slaves on board the *Creole* had mutinied and forced the ship's officers to take the ship to Nassau in the Bahamas. There, being in British jurisdiction, nineteen were held for murder and the rest set free (McMaster, *History of the People of the United States*, VII, 54).

the Government of the other, which claims had been presented since the Treaty of Ghent and had remained unsettled, were to be referred to two Commissioners. These Commissioners, one to be named by the President of the United States, the other by Her Britannic Majesty, were to meet in London, and to subscribe a solemn declaration :

that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favour, or affection to their own country, upon all such claims as shall be laid before them.

They were also to name an Arbitrator or Umpire for cases in which they should happen to differ. The Commissioner appointed by the United States was Nathaniel G. Upham, judge of the Supreme Court of New Hampshire. The British Commissioner was Edmund Hornby, a barrister, later judge of the British Consular Court in the Far East. He is still remembered as the author of "an interesting plan for an international court of arbitration."¹ The Umpire chosen by the two Commissioners was Joshua Bates, a native of Massachusetts, and a partner in the English banking firm of Baring Brothers. He was also the father-in-law of Sylvain van de Weyer, Belgian Minister to the Court of St. James.

The Commission began its labours in London on September 15, 1853, and completed them on January 15, 1854. It had made awards in favour of British claimants, amounting to 277,102 dollars (£55,420), and to American claimants, amounting to 329,734 dollars (£65,947). The expenses of the Commission were defrayed by a rateable charge on all the sums awarded, but the salaries of the Commissioners (each receiving £620 per annum) were paid by their respective Governments : the Umpire's remuneration was shared. The work of the Commission deserved the remark of Mr. Seward, that it had "the prestige of complete and even felicitous success."²

On June 5, 1854, Lord Elgin, Governor-General of Canada, and Secretary of State Marcy signed at Washington a Reciprocity Treaty concerning Fisheries, Customs Duties and Navigation.

Many facts, and perhaps some legends, have come down to posterity regarding this famous Act. Laurence Oliphant, who is responsible

¹ Moore, *International Arbitrations*, I, 401. Hornby's work is called *An International Tribunal*, published in 1895.

² Moore, *op. cit.*, I, 391.

for the "bibulous" account of the negotiations of the Treaty of Washington, was a brilliant journalist and traveller, who was taken by Lord Elgin as his secretary on the Mission of 1854; the post consoled the active young man for not getting to the Crimea during the war with Russia. The British Mission consisted of Lord Elgin, Francis Hincks, Prime Minister of Canada, Captain Hamilton, Aide-de-Camp to Lord Elgin, and Laurence Oliphant.

The British diplomatists arrived in Washington on May 22, 1854, "a day which, as it afterwards turned out, was pregnant with fate to the destinies of the republic, for upon the same night the celebrated Nebraska Bill was carried in Congress."¹ It was the height of the Washington season, and the arrival of the British diplomatists "imparted a new impetus to the festivities, and gave rise to the taunt, after the treaty was concluded, by those who were opposed to it, that *it had been floated through on champagne*."² Lord Elgin at once established good relations with Washington society. The Americans became sufficiently familiar with him to laugh at one another in his presence. At a dinner given by a prominent Congressman quite early in the negotiations, Robert Tombs, a Democrat, the introducer of the Kansas-Nebraska Bill in the Senate, said pompously to Elgin: "My lord, we are about to relume the torch of liberty upon the altar of slavery." The hostess, overhearing the remark, struck in with "the most silvery accents imaginable," and said: "Oh, I am so glad to hear you say that again, Senator; for I told my husband you had made use of exactly the same expression to me yesterday, and he said you would not have talked such nonsense to anybody but a woman."³

The conversation at the various luncheons and dinners was highly political, chiefly on the slavery question or on the rapid development of various States. Oliphant met and was impressed by the soldier-explorer Frémont—"a spare wiry man with a keen grey eye"—and by Frémont's father-in-law, the magnificent Colonel Benton of Missouri. The conversation was always keenly sustained and patriotic. In Oliphant's accounts there is the inevitable reference again and again to champagne which "irrigated" the table. He denies that the success of the negotiations was due to this festiveness, although he says that "in the hands of a skilful diplomatist that beverage is not without its value." Benton, who although not in the

¹ Oliphant, *Episodes in a Life of Adventure*, p. 45.

² Oliphant, *op. cit.*, p. 47.

³ Oliphant, *op. cit.*, p. 46.

Government was influential with it, abstained throughout his life from tobacco and wine.

The difficulty which Lord Elgin had to face was that while President Pierce and Secretary of State Marcy were in favour of a Reciprocity Treaty, the Senate, without whose ratification no treaty could be concluded, was Democratic, and therefore against the policy of the Administration. Lord Elgin, accordingly, cultivated the friendship of the Senatorial opposition. Oliphant writes :

After several days of uninterrupted festivity, I began to perceive what we were driving at. To make quite sure, I said to my chief : "I find all my most intimate friends are Democratic Senators."

"So do I," he replied dryly.

After the patriotic and lengthy dinners and luncheons with Senators, the British Delegation got a change by going to "a *matinée dansante* at the French Minister's." Lord Elgin won golden opinions all around and was told that "if all English lords were like him, and would become naturalised Americans, they would *run the country*." ¹ Lord Elgin was well supported throughout the negotiations by Mr. John Crampton, who had succeeded Sir Henry Bulwer as British Minister at Washington. It was after a very successful ball given by Crampton in honour of the Queen's birthday that a newspaper announced : "More was accomplished last evening in the way of negotiation than has been accomplished from the days of Ashburton to the advent of Elgin. We regard the fishery question as settled, both parties having partaken freely of the bait so liberally provided by the noble host." ²

After a fortnight's negotiation, conducted by Lord Elgin in a "brilliant and dashing manner," with "easy confidence" and sure touch, the British and American chiefs, each with his secretary, met to sign the final draft. The ingenuous British secretary, Laurence Oliphant, writes :

It was in the dead of night, during the last five minutes of the 5th of June, and the first five minutes of the 6th of the month aforesaid, that four individuals might have been observed seated in a spacious chamber lighted by six wax candles and an Argand lamp. Their faces were expressive of deep and earnest thought, not unmixed with suspicion. Their feelings, however, to the acute observer, manifested themselves in different ways ; but this was natural, as two were in the bloom of youth, one in the sear and yellow leaf, and one in the prime of middle age. This last it is whose measured tones alone break the

¹ Oliphant, *op. cit.*, p. 51.

² Oliphant, *op. cit.*, p. 52.

silence of midnight, except when one or other of the younger auditors, who are both poring intently over voluminous MSS., interrupts him to interpolate an "and" or erase a "the." They are, in fact, checking him as he reads; and the aged man listens, while he picks his teeth with a pair of scissors, or cleans out the wick of a candle with their points, which he afterwards wipes on his grey hair. He may be occasionally observed to wink, either from conscious 'cuteness, or unconscious drowsiness. Presently the clock strikes twelve and there is a doubt whether the date should be to-day or yesterday. There is a moment of solemn silence, when the reader, having finished the document, lays it down, and takes a pen which had been previously impressively dipped in the ink by the most intelligent-looking of the young men, who appears to be his "secretary" and who keeps his eye warily fixed upon the other young man who occupies the same relation to the aged listener with the scissors.

There is something strangely mysterious and suggestive in the scratching of that midnight pen, for it may be scratching fortunes or ruin to toiling millions. Then the venerable statesman takes up the pen to append his signature. His hand does not shake, though he is very old, and knows the abuse that is in store for him from members of Congress and an enlightened Press. That hand, it is said, is not all unused to a revolver; and it does not now waver, though the word he traces may be an involver of a revolver again. He is now Secretary of State; before that he was a judge of the Supreme Court; before that a general in the army; before that governor of a State; before that Secretary of War; before that minister in Mexico; before that a member of the House of Representatives; before that a politician; before that a cabinet-maker. He ends, as he began, with Cabinet-work; and he is not, at this time of life and with his varied experiences, afraid either of the wrath of his countrymen or the wiles of an English lord. So he gives us his blessing and the treaty duly signed; and I retire to dream of its contents, and to listen in my troubled sleep to the perpetually recurring refrain of the three impressive words with which the pregnant document concludes—"Unmanufactured tobacco. Rags!"¹

By the Convention of 1818 the United States had renounced all claims on behalf of its subjects to fish within three marine miles of the British dominions in America, except in certain strictly limited portions of Newfoundland and Labrador. The Elgin-Marcy Treaty now gave to United States subjects the liberty to take fish, except shell-fish, "without being restricted to any distance from the shore" of British North America. British fishermen were given the same privilege off the eastern coast of the United States north of latitude 36°.

¹ Oliphant, *op. cit.*, p. 54.

The liberty of inshore fishing secured to British and American fishermen applied solely to the sea fishery, but "the salmon and shad fisheries, and all fisheries in rivers and the mouths of rivers," were reserved to British subjects in British waters, and to American subjects in American waters. Provision was made for a Commission of one British and one American representative with an umpire to settle which mouths of rivers (as distinct from bays and estuaries) should be thus reserved. The Commission was appointed and terminated its labours in 1866.

By the Elgin-Marcy treaty (article 3) twenty-eight commodities, "being the growth and produce of the aforesaid British colonies or of the United States," were admitted into each country free of duty: among them were grain and flour, animals of all kinds, cotton-wool, fish of all kinds, hides, timber and lumber, unmanufactured tobacco and rags. Article 4 secured to Americans the right of navigating the St. Lawrence, and to British subjects the right of navigating Lake Michigan.

This treaty was considered by Americans to be very generous, almost too generous, on the part of the United States. It was negotiated under exceptional circumstances, as the Governor-General of Canada came in person to Washington. The social amenities carried on between Lord Elgin and Marcy were characterised by great warmth, like those of Lord Ashburton and Daniel Webster in 1842. American newspapers commented upon the champagne on which the project of treaty was safely "floated through" into harbour.¹ It endured until 1866, when it was terminated by the United States.

The Reciprocity Treaty is a good instance of the smoothness which (except for the "Crampton incident" of 1856) characterised Anglo-American relations during the decade 1850 to 1860. Another instance is a small Convention signed at London by Abbot Lawrence and Lord Palmerston on December 9, 1850. The Congress of the United States had appropriated a sum of money to pay for the erection of a lighthouse on the Niagara River at Buffalo. On survey being made, it was found that the best site for the lighthouse was Horseshoe Reef, which was on British territory. Abbot Lawrence was therefore instructed to explain the circumstances to the British Government, and to ask for the cession of Horseshoe Reef. Lord Palmerston agreed to advise Her Majesty to make the cession

¹ *Life of L. Oliphant*, by M. O. W. Oliphant (1891), I, 109.

on condition that the United States engaged to erect the lighthouse, maintain a light in it, and not to erect a fortification on the Reef.¹ The United States assented ; and the lighthouse was erected in 1856.

Unfortunately in the same year some friction arose owing to the efforts which Mr. Crampton, the British Minister at Washington, had been making, during the time of the Crimean War, to enlist men in the United States for service with the British Army. President Pierce and Secretary of State Marcy broke off diplomatic relations. Lord Palmerston had to recall Crampton, although he induced the Queen to make him K.C.B. as a kind of protest against the action of the American Government.

But apart from this, the relations of Great Britain and America in the decade were friendly, and this good time only came to an end with the decade itself. Yet all through the years 1850-60 trouble had been brewing in the United States ; and although this was a purely domestic matter, foreign affairs were bound to be affected.

The question whether the law of slavery should be abolished or not had been disturbing the domestic affairs of the United States since the Peace of Ghent. The Missouri Compromise of 1820 smoothed over the agitation to a certain extent. It prohibited slavery in all territory ceded by France north of 36° 30' latitude, not included in the State of Missouri. In 1846 the annexation of Texas, California, and New Mexico made feeling run more intensely. The *Wilmot Proviso*, proposed by Congressman David Wilmot, of Pennsylvania, only approved of the annexation on condition that slavery was abolished in the annexed territory : it failed to pass the Senate, however. In 1850 the Congress agreed to Compromise Resolutions, which were largely the work of the veteran Henry Clay. The newly-acquired territories were to be left to decide for themselves whether they would allow slavery or not. As legal slavery had been long ago abolished in Mexican territory, it was not likely to be revived in Texas, California, and New Mexico. On the other hand, the fact that California was left free to decide, meant that the Missouri Compromise Line was not extended to the Pacific. The Line was further trenched upon by the Kansas-Nebraska Bill of 1854. This was the act organising the Territories of Kansas and Nebraska ; the Bill, notwithstanding the provision of the Missouri Compromise, allowed the inhabitants of the two territories to decide whether they should have slavery or not.

¹ Malloy, I, 664.

Premonitions of secession and war were in the air ; but it was not expected that the crisis would estrange Great Britain and the United States. The Americans, it was said, “ had good right to believe that in consequence of the gradual and steady assimilation of the commercial interests and the financial policies of the two Governments, there was in Great Britain, in the summer of 1860, sympathy for the Government, and affection for the people, of the United States.” ¹

¹ Case of the United States before the Tribunal of Arbitration at Geneva (*Parliamentary Papers*, 1872, LXIX, 9).

CHAPTER XV

THE CIVIL WAR (I)

The election of Abraham Lincoln, on November 6, 1860 (to be President from the following March), made the secession of the Southern States almost inevitable. This secession, if successfully maintained by the Southern States, would have been the crowning disaster of American history. The undivided United States is, and has been for the last fifty years, a Great Power, liable no doubt (just as individuals are) to err, but maintaining in general a noble standard of justice and morality. When a Power of this magnitude throws its influence on the side of any good cause, the effect is decisive; and its day-to-day influence in the world in the periods between crises is equally potent. But two American Powers, one to the north and one to the south of Mason and Dixon's line, would not, singly, have wielded anything like the moral and material strength of the United States.

The last months of the year 1860, while Buchanan was still President, were, it must be remembered, exciting times for the British public as well as the American. A glance at the London *Times* of those months shows impressive arrays of columns of foreign intelligence: there was the war of the British in association with the French in China; there was Garibaldi's invasion of the Kingdom of Naples; there were the plebiscites in Central Italy. The magnificent foreign service of *The Times* supplied copies of Austrian and Sardinian State Papers, which *The Times* printed in full, along with letters and reports of correspondents from every part of Europe.

America, however, was not overlooked. In the autumn of 1860 the Prince of Wales (subsequently King Edward) was travelling in the United States. At the same time there was the Presidential campaign; and there was the American Navy. *The Times* gave attention to all these three things, in addition to Anglo-American commercial affairs. These sometimes received prominence, not

merely in the commercial section of the newspaper, but on its central news-page; for instance, opposite the leading articles for October 31, 1860, there was a column of *Latest Intelligence*—France, Italy, the Papal States, Spain, Russia, America. Under “America,” it was stated that the Prince of Wales reviewed 20,000 troops at Boston; and also that *breadstuffs are heavy, and all descriptions have slightly declined. Provisions are very dull, excepting pork, which is buoyant.* On the same page were one and a half columns on the American Navy—a reprint of the result of a United States Naval Board of Inquiry.

The Prince, it can be easily understood, won golden opinions in New England, and as far south as he went, that is, to Washington. At New York a splendid ball was arranged for him in the hall of the Academy, on October 13. The Committee was most particular, not merely concerning the people to be admitted, but the clothes they should wear. Unfortunately, while all were standing awkwardly after the singing of the national anthem, for the dancing to begin, the floor gave way in the centre. The fall was not great, and no serious injury occurred, but there was much danger of panic. However, everybody withdrew quietly, and by midnight the damage was repaired successfully, except that one of the carpenters was imprisoned under the newly nailed-down floor, and he went on battering and making a noise until some planks were torn up, and he was released. The Prince danced into the early morning. He and his suite lodged at the Fifth Avenue Hotel. On the same day, after the ball, he pleased every one by going to see the veteran General Scott, at his house in Twelfth Street. Two days later he went up the Hudson to West Point, and saw the cadets being trained. *The Times* correspondent formed the highest opinion of the cadets, and of the officers of “the small American regular army—always on the frontier, in the uttermost wilds of the Far West, the hardest duty, perhaps, that is exacted from any officers in the world.”¹ *The New York Evening Post* commented most favourably on the demeanour of the Prince throughout his visit: “Not one single instance has been recorded of a breach on his part of the courtesies of life, or of the slightest display of unbecoming temper to anyone.” He was “cheerful, modest, affable and quiet.” He was a “superb horseman,” and an admirable shot. “He bagged more prairie-chickens than the

¹ *The Times*, October 30, 1860.

messieurs of his suite." In the ball-room he was "enthusiastic."¹

A leading article of *The Times*, on November 7, 1860, on the effect of Free Trade on shipping, displayed the most friendly feeling from Great Britain towards the United States: "The two countries, divided only by the 'ferry' of the Atlantic, are gradually being assimilated to each other in all the conditions of commercial enterprise." The discrepancy between the number of the British and of the American population was being "equalised by emigration."

When it became certain that Lincoln would be elected President, *The Times* spoke out in favour of the North.

Instead of sparing and even humouring the prejudices of their Northern brethren, the South has pushed the advantage which its long lease of power gave it to the utmost. In the matter of slavery, it has kept no terms with the North. By the Fugitive Slave Law, the South has forced the North to be its gaoler and its catchpole to arrest the fugitive slave and to reduce him to bondage. By the Dred Scott decision, party judges have, by an extra-judicial opinion, broken down every bulwark against the diffusion of slavery. The compromise which restricted slavery within the limits of Mason and Dixon's Line has been repudiated, and the right of the territories to exclude slaves has been denied. The attack on Mr. Sumner received far too much countenance in the South. The invasion of Kansas was supported with a sympathy which it did not deserve, and instead of treating slavery as a temporary and exceptional institution, the Southern Press has discovered that it is the normal condition of mankind, the only condition under which civilisation and progress are possible. These things have sunk deep into the minds of the American people, and have produced a reaction, the results of which we are now about to witness. The Republican party has selected a man remarkable for nothing we know of beyond a good character and strong anti-slavery opinions.²

On the same day as this leading article appeared in *The Times*, the Prince of Wales arrived at Plymouth in H.M.S. *Ariadne*. Next day *The Times* leading article said that the Prince had been sent to America, to do a work which was "beyond the power of either soldier or diplomatist. A new relation had to be established between two of the greatest empires in the world." He was to bridge "the bloody chasm which for near a century has gaped between them";

¹ *New York Evening Post*, October 23, 1860, quoted in *The Times* for November 6, 1860. See also, for the Prince's tour, S. Lee, *King Edward VII, a Biography* (1925), vol. I, pp. 97-101.

² *The Times*, November 15, 1860.

he was to assuage the American "triumph of success," and the British "sneers of disappointed dominion." The Prince, *The Times* confidently asserted, had shown the real friendship of Great Britain for America, "a great cognate nation": "there is none in which we are all so interested, none the successes and glories of which we all hear of with such unmixed satisfaction."

It may probably be said with truth that at the end of the year 1860 Great Britain felt herself on a more friendly footing with the United States than ever before. The lamentable outbreak of the Civil War on April 12, 1861, tested this feeling to the utmost.

The sane opinion of Great Britain was that if the decision had been left to the statesmen of America there would have been no Secession; but the control of events had in the last months of 1860 passed out of the hands of statesmen into those of "vulgar demagogues and furious bar-room politicians."¹ It cannot be denied, however, that some irresponsible people in Britain were rather pleased at the prospect of the break-up of the United States: it seemed like a Nemesis for the rebellion of 1775-82. But such people were neither influential nor numerous.

In the fateful early months of the year 1861 the attention of the British public was largely occupied with the stirring events that continued to occur abroad: the question of the incorporation of Savoy and Nice in France, the insurrection in Poland, the war in New Zealand. At home there was the passage of Mr. Gladstone's Budget. American affairs attracted little attention. The Atlantic telegraph was not yet laid, and for days, even weeks at a time, no news came from America. When *The Times* correspondent at Washington did write, he gave very full accounts. On March 29, 1861, he wrote a graphic description (printed on April 16) of Washington just after Lincoln's installation as President. He describes Willard's Hotel—"a huge caravanseraï":

Crowds of long-limbed, nervous, eager-looking men, in loose black garments, undulating shirt-collars, vast conceptions in hatting and booting, angular with documents and pregnant with demand, throng every avenue, in spite of the printed notices directing them "to move on from front of the cigar-stand."

"Mr. Lincoln," the correspondent wrote, "is actuated by the highest motives in the distribution of offices." But he found the labour of dealing with applicants terrible. "Even his iron frame

¹ *The Times*, leading article, December 24, 1860.

and robust constitution are affected by the process." Something was soon to occur to test his iron frame still more. On April 19 the British public learned from *The Times* the news of the ultimatum presented by the Southern rebels to the Federal garrison of Fort Sumter (April 11, 1861). The leading article of *The Times* merely expressed a fervent wish for peace, a hope that, "however lamentable might be the destruction of the Republic, there would not be added to this misfortune the still greater calamity of civil war." This was the feeling of most moderate, sensible men: it required the statesmanship of the lonely man in the White House to see that the terrible calamity of civil war was worth facing in order to save the Union; and it required his unique will-power to go on with the war for four awful years.

The Foreign Office had been kept well informed by Lord Lyons, the British Minister at Washington. Lyons may truly be called one of the peacemakers of the world. He undoubtedly helped to prevent war between Great Britain and America; and by the good sense of his conversations with Lincoln and Seward (especially with Seward, who was a rather rash man), he was of assistance to the Washington Cabinet; and this without any departure from neutrality, of which nobody ever seriously accused him. He was the only surviving son of Admiral Edmund, 1st Lord Lyons, a famous figure in the Crimean War. The 2nd Lord Lyons himself served as a midshipman in the Royal Navy, and from this service became *attaché* at Athens, and in time Minister to the Court of Florence. In 1858 he succeeded Lord Napier at Washington.¹ His photograph taken in 1860 at Washington shows a sensible-looking man, with a good head of hair, a broad forehead, "mutton-chop" whiskers, a fairly large mouth and nose. He is wearing a wide, easy collar, a very large "made-up" tie, the regulation black frock-coat, wide tweed trousers; and he has in his hands a cane and a "stove-pipe" tall hat. Altogether he looked what he was, an honest, comfortable, good-natured, aristocratic, middle-aged bachelor, who would never lose his good sense under any circumstances. Mr. Seward himself acknowledged later that he owed much to Lord Lyons.

William Henry Seward, who was Lincoln's Secretary of State, was a man of eminent capacity. He was born in 1801 in New

¹ Napier's appointment at Washington was only from January, 1857, to December, 1858 (see *Foreign Office List*, January, 1858, p. 98).

York State. His father was a prosperous physician and merchant. Seward received a good education, graduated at Union College, and remained throughout his life a lover and a reader of the Greek and Latin classics. He was a supporter and friend of John Quincy Adams, and the impress of that statesman's rugged character was left upon Seward. He himself had something of the appearance of a New England Puritan of the early days of the Republic. His crisp, iron-grey hair, bushy eyebrows, large, well-moulded but rugged features, gave him an uncompromising appearance. Lord Lyons wrote to the Foreign Office on January 7, 1861, that if President Lincoln made Seward Secretary of State he would probably be "a dangerous Foreign Minister."¹ Within a few months of this, Seward was proposing to Lincoln that the Governments of Spain, France, Great Britain, and Russia should be asked to explain their conduct; and that, "if satisfactory explanations are not received from France and Spain, [he] would convene Congress and declare war against them."² Lincoln let the proposal slumber in his archives.

On April 19 (1861), Lincoln proclaimed a blockade against the ports of the Southern States. The terms of this proclamation reached the Foreign Office on May 6. On May 13, Queen Victoria signed a proclamation of neutrality, thus recognizing the Southern States as belligerents.³ The United States Government was deeply disappointed by this recognition of belligerency, but there was really no other way by which a foreign Government could lawfully recognize the blockade of the Southern States: a blockade can only be proclaimed and enforced against belligerents.⁴ In the same way, as the British Government allowed the United States' claim (which was quite legal) to engage in privateering, it was bound to recognize the lawfulness of Southern privateers.⁵

The existence of a state of war between North and South could not help creating difficulties in Anglo-American relations. The

¹ Letter in Newton, *Lord Lyons* (1913), I, 30.

² *Some thoughts for the President's consideration*, April 1, 1861, in *Abraham Lincoln, Complete Works*, edited by Nicolay and Hay (1894), II, 29.

³ Proclamation in *Parliamentary Papers*, 1862, vol. LXII, p. 35. Cp. Russell to Lyons, May 21, 1861: "We had taken no step except that of declaring ourselves neutral, and allowing to the Southern States a belligerent character" (*ibid.*, p. 42).

⁴ See A. P. Newton, in the *Cambridge History of British Foreign Policy*, II, 494.

⁵ Lord Palmerston to Lord Lyons, November 22, 1861 (F.O. America, 758).

chief trouble was, naturally, over the restrictions which the conditions of war put upon neutral trade. The British nation was now the great neutral; formerly the United States had been the neutral. So during the Civil War the rôles of a previous drama were, to some extent, reversed. It is said that when the British Foreign Office, between 1861 and 1865, wished to justify its actions, it cited precedents from American claims during the Napoleonic War; just as later, when the State Department wished to justify its actions during the years of European hostilities 1914-16, it cited precedents from the British claims of the Civil War period.

Lord Lyons was sure that Mr. Seward did not really wish for war with Great Britain; but the American Secretary of State held the dangerous view that the relations between the United States and Great Britain were "good material to make political capital out of. He thinks, at all events, that they may be safely played with without any risk of bringing a war."¹ When the war had actually begun, Seward for a time was quiet and cautious; but on March 25, when dining with Lord Lyons (the French and Russian ministers being also present) he stated, "speaking as he had done all along very loud," that if a foreign ship came out of a Southern port, "without the Papers required by the laws of the U.S.," it would be confiscated without compensation. This was before President Lincoln had declared a regular blockade. Lord Lyons pointed out the objections to a "paper blockade," such as Seward threatened: it would probably force foreign Powers to recognize the independence of the Southern Confederation. "Mr. Seward then went off into a defiance of Foreign Nations in a style of braggadocio which was formerly not uncommon with him."² The proclamation of a regular blockade, which could only operate off such Southern ports as were really *effectively* blockaded by United States warships, eased the situation. Great Britain continued to keep consular agents at the Southern ports. The actions, not wholly correct, of one of these consuls, Mr. Bunch at Charleston, caused Seward to withdraw his *exequatur* (i.e. his confirmation of commission). The British Secretary of State for Foreign Affairs, Lord John Russell, did not protest against the withdrawal of the *exequatur*, although denying that Bunch had done anything to

¹ Lyons to Russell, January 7, 1861 (Newton, *Lord Lyons*, I, 30).

² Newton, *op. cit.*, I, 33.

commit Her Majesty's Government in favour of the Southern Confederacy.

The blockade question was terribly irritating, and the stoppage of the export of cotton from the Southern States was very injurious to British industry ; but these things would not make a war. Nevertheless, Lord Lyons was fearfully anxious. " I am in constant apprehension," he wrote to Lord John Russell, on April 15, 1861, " of some foolish and violent proceeding of the Government with regard to Foreign Powers. Neither the President nor any man in the Cabinet has a knowledge of Foreign Affairs ; they have consequently all the overweening confidence in their own strength which popular oratory has made common in this country." To Sir Edmund Head, the Governor-General of Canada, he wrote on May 22, " My mind is almost unremittingly employed in devising means to maintain the peace." It must be remembered that none of Lord Lyons' letters were for publication : they represent his private, unvarnished sentiments.

Fortunately, on the other side of the Atlantic, there was a diplomatist of equally high character and ability. Charles Francis Adams took over the London Legation on May 13, 1861. He was born at Boston in 1807, and went with his father, John Quincy Adams, to St. Petersburg, Paris, and London, during the Napoleonic War. When the elder Adams was at the London Legation, after the War of 1812-14, the young Charles Francis was sent to Dr. Nicholas's boarding-school at Ealing, a school of two hundred and fifty boys. He stayed about two years there, before returning with his father to Boston, where he went to the Boston Latin School, and afterwards to Harvard College. After graduating from Harvard in 1825, he had experience of life at the White House during his father's presidency. Later he practised law, became a member first of the Massachusetts Legislature, and later of Congress, and was one of the founders of the Republican Party after the disruption of the old Whigs. Charles Francis Adams was well fitted for the post of Minister at London in the difficult time of the Civil War. He thoroughly understood American politics, he had had some experience of English life, and he was by nature and birth an aristocratic republican, after the manner of Ancient Rome. As such, he was certain to be understood by the Whigs who were then in power in Great Britain, more especially as they were aristocrats, like Adams himself : for aristocracy has always something

cosmopolitan about it. A photograph, taken later in life, shows him as a very decisive-looking old gentleman, bald-headed and clean-shaven, except for a semicircle of short white beard which ran from ear to ear and under the chin. His mouth was wide and a little humorous ; his eyes large and steady. At his first meeting with Lord John Russell (not at the Foreign Office, but at Russell's private house, Pembroke Lodge), on May 18, 1861, he found a man "with a face marked by care and thought rather than any strong expression." He formed a just opinion of Lord John Russell's high character, and appreciated his direct and simple manner, which was like that of Mr. Adams himself ; but he did not think very highly of Russell's ability, nor, in all probability, will posterity disagree with this.

Adams, like Lyons, looked upon himself simply as a guardian of peace : "My duty here is, so far as I can do it honestly, to prevent the mutual irritation from coming to a downright quarrel."¹ He had scarcely got settled down in London when, on June 10, he received a dispatch from Seward, dated May 21. In this dispatch the Secretary of State took note of Great Britain's intention of recognizing the belligerency of the Southern Confederacy, of which information had been officially conveyed to Washington. One of his concluding paragraphs ran : "If it [i.e. war] come it will be fully seen that it results from the action of Great Britain, not our own, that Great Britain will have decided to fraternize with our domestic enemy."²

Adams, almost in despair, wrote : "The Government seems ready to declare war with all the powers of Europe, and almost instructs me to withdraw from communication with the ministers here, in a certain contingency. I scarcely know how to understand Mr. Seward." Fortunately President Lincoln, totally inexperienced though he was in foreign affairs and in the language of diplomacy, had not merely "toned down" the language of Seward's dispatch (which was originally much worse than the form in which Adams had received it), but had instructed him to regard it as information for his guidance ; it was not to be read to the British Government. Even so, it was a bad dispatch. Adams, however,

¹ Quoted in *Charles Francis Adams*, by his son, C. F. Adams (London, 1900), p. 178.

² Dispatch in Nicolay and Hay, *op. cit.*, IV, 274. This gives the passages which the President altered or struck out.

interpreted the instructions only so far as to compel him to say to Lord John Russell that if Great Britain entertained any design to extend the struggle, "I was bound to acknowledge in all frankness that, in that contingency, I had nothing further left to do in Great Britain." Lord John Russell assured Adams of Great Britain's neutrality; in particular, with regard to Messrs. Yancey, Rost, and Mann, three representatives of the Southern Confederacy at that time present in England, he said that "he had seen the gentlemen once, some time ago, and once more some time since; he had no expectation of seeing them any more." As a matter of fact, they were thenceforth refused any interview at the Foreign Office, and were soon recalled by the Confederate Government. As regards Mr. Seward's unfortunate dispatch of May 21, it did not slumber unnoticed in the American archives, as did his equally bellicose "Thoughts" of April 1; for somehow it "leaked out" from the State Department to Lord Lyons, who reported it in a letter of June 24 to the Foreign Office; but no public use was made of the information by the British Government, and nobody outside official circles knew of it.

Mr. Adams, however, did not feel comfortable in London. "Politically or socially," wrote his private secretary, "the outlook was desperate."¹ A few official visits were paid to him, but he had little friendly social intercourse. However, the Adams family has never been considered to depend much on social intercourse; and Charles Francis had no difficulty in giving the impression of complete indifference to the chilly atmosphere that surrounded him. Some of the English Liberals, however, were quite friendly: in particular, Richard Monckton Milnes (Lord Houghton), cultured, witty, influential in politics, as well as in society, the friend of Tennyson, a supporter of all good causes.

A word from him went far. An invitation to his breakfast table went farther. Behind his almost Falstaffian mask and laugh of Silenus, he carried a fine, broad, and high intelligence which no one questioned. As a young man he had written verses, which some readers thought poetry, and which were certainly not altogether prose. Later, in Parliament, he made speeches, chiefly criticised as too good for the place and too high for the audience. Socially he was one of the two or three men who went everywhere, knew everybody, talked of everything, and had the ear of Ministers; but unlike most wits, he held a social position of his own that ended in a peerage, and he had a house

¹ *The Education of Henry Adams* (London, 1919), p. 116.

in Upper Brook Street to which most clever people were exceedingly glad of admission. His breakfasts were famous, and no one liked to decline his invitations, for it was more dangerous to show timidity than to risk a fray.¹

Milnes was very important to the American Minister. For the natural, earnest supporters of the United States cause, Cobden and Bright, were, says Henry Adams, never seen in society : Milnes supplied this social want.

On Monday, November 25, Mr. and Mrs. Adams went to stay with the Milnes at Frystone Hall, near Wakefield. There was a delightful house-party, including W. E. Forster, who with Bright and Cobden represented the highest side of the progressive middle-class of that time. All went well ; an interesting excursion was made to Pontefract Castle ; and the party were just entering the historic ruin, when a telegram was handed to the American Minister. It contained information that two delegates of the Southern Confederacy had been taken by force out of a British steamer by a United States frigate. Adams said calmly to the rest of the party, " I have got stirring news," and told what it was ; but he declined to break up the party and go back to the Legation, saying that London was the last place, in the present circumstances, that he wished to go to. Luckily there was no cable between Great Britain and America, and beyond the bare account of the event there was nothing to disturb the public, no cataract of excited cable messages to and fro across the seas. Curiously too, Adams had actually, about a fortnight previously, had a friendly talk with Lord Palmerston, the Prime Minister, on the very subject (November 15). Palmerston had spontaneously invited the American Minister to his home, Cambridge House, Piccadilly, had given him (as his invariable manner was) a reception that was " very cordial and frank," and had warned Adams that the British Government would regard it as " highly inexpedient " if a United States officer should seize, on a British ship, or in British waters, Messrs. Slidell and Mason (who were known to be on their way to Europe). Then the Prime Minister " laughed in his characteristic way." Mr. Adams, with genuine conviction, assured Palmerston that if Messrs. Mason and Slidell were to be seized, it would be done only in American territory.² Yet though neither statesman could know it when

¹ *The Education of Henry Adams*, p. 124.

² Extracts in C. F. Adams, *op. cit.*, pp. 220-2.

they conversed friendlywise in the quiet library of Cambridge House, a United States naval officer had, seven days previously, already seized the Southern delegates on a British ship.

The British steamship *Trent*, carrying mails and passengers, had left Havana on November 7. Among the passengers were James Murray Mason, accredited to Great Britain by the Southern Confederacy, and John Slidell, accredited to France. Shortly after noon of the 8th, a steamer, having the appearance of a man-of-war, but not showing colours, was observed ahead. She hove to. The *Trent* hoisted the British flag, and continued on her way, slowing down as she approached closer. The ship ahead then fired a shot across the *Trent's* bows and hoisted the American colours. The *Trent* stopped; a boat put off from the American ship, the *San Jacinto*, and an officer with an armed guard of marines came on board. He demanded a list of passengers, which the British skipper refused. He then said that Messrs. Mason and Slidell were known to be on board, and that he had orders to arrest them. Mr. Slidell at this point stepped forward and said that they were under British protection. The skipper of the *Trent* also said: "I protest against this illegal act—this violation of international law—this act of piracy, which you would not dare to attempt on a ship capable of resisting such aggression." The American officer, Lieutenant Fairfax, simply waved his hand to the *San Jacinto*, and an additional force of marines were at once sent off, and came on board the *Trent*: they were drawn up at the entry-port, with bayonets fixed. The *San Jacinto* herself was lying about two hundred yards away, "her ships-company at quarters, ports open, and the tompions out." The Confederate delegates and their two secretaries were then taken off the *Trent*, "an armed guard on either side of each seizing them by the collar of the coat."¹ One thing which added to the gravity of the affair was that the *Trent* was not visited and searched in the usual way, "but the delivery of certain of her passengers was at once demanded."²

The incident was obviously extremely serious. Lord Lyons believed that the commander of the *San Jacinto* had acted under orders, signed by Secretary Seward without the knowledge of the President,³ but Seward denied this afterwards, and his word can

¹ Reports in *Parliamentary Papers*, 1862, LXII, pp. 611 and 615.

² Lord Russell to Lord Lyons, November 30, 1861 (F.O. America, 758).

³ Lyons to Russell, November 19, 1861 (Newton, *Lord Lyons*, I, 55).

be accepted. The American public became inflamed, and the House of Representatives unanimously passed a vote of thanks to Captain Wilkes of the *San Jacinto*. Adams' biographer, who did not write with a bias in favour of the British case, says that the American nation appeared at the time "demented." Lord Lyons, however, informed Lord Russell that the American newspapers, as soon as the affair took on a serious aspect, moderated their tone, and seemed to favour concession on the part of the Government.¹ Seward, in his communication with Adams, treated the *Trent* affair lightly. He did not write until November 30 (and the dispatch did not arrive in London until December 17); and then he merely denied that he had given instructions to Captain Wilkes, and expressed a hope that the matter would be settled amicably. Adams heard no more from the State Department until the crisis was over.

It took three more weeks for the crisis to be tided over, and during that time there is not the slightest doubt that the question of peace and war between Great Britain and the United States literally hung in the balance. Incredible as it seems to many people now, the Washington Government was not disinclined to add a grand war with the British Empire to the existing war with the Southern Confederacy. Some good judges, among them General Grant, held that the United States could afford an army that would conquer Canada and hold it in pledge, before Great Britain could bring her strength to bear. Perhaps Grant was right. The war would have endured, no one knows how long, for both the British and Americans are very determined peoples; and their leaders were determined men too: Palmerston and Lincoln had at least in common the qualities of constancy and courage.

Before he knew of the *Trent* affair, Lord Palmerston had been advised by the Law Officers of the Crown that the United States authorities had a right, according to British international law, to search a neutral ship (not being a ship of war) and to seize rebels if found there. But this opinion was probably wrong, and was reversed by the Law Officers when the *Trent* incident came up for consideration.²

When the *Trent* affair became known in London, the Prime

¹ Lord Lyons to Lord John Russell, December 18, 1861 (F.O. America, 777).

² See Documents printed by C. F. Adams with commentary in *The American Historical Review*, vol. XVII, pp. 551-5.

Minister was suffering from a particularly severe and prolonged attack of gout. "Yet he never abandoned his post."¹ It must have been the influence of the virile old man that induced Lord Russell to pen a dispatch (dated November 30, 1861), amounting to an ultimatum, to Lord Lyons, to be read to Secretary Seward. The "general outline" of the dispatch was, according to Lord Palmerston's account, "that the Washington Government should be told that what had been done is a violation of international law, and of the rights of Great Britain," and that Her Majesty's Government trusted that the act would be "disavowed, and the prisoners set free."²

The original draft, which has been kept hid in the Foreign Office archives for over sixty years,³ proves how serious the situation was. The critical passage (marked A, apparently by Palmerston's pencil) was as follows :

Her Majesty's Government, having taken these facts into consideration, have arrived at the conclusion that the conduct of the Commander of the *San Jacinto* was not justified by International Law. Certain individuals have been taken from on board a ship of a Neutral Power which was pursuing a lawful and innocent voyage.

Her Majesty's Government are unwilling to imagine that the United States Government will not of their own accord be anxious to afford ample reparation for this act of violence committed by an officer of the United States navy against a neutral and friendly nation.

The reparation which Her Majesty's Government expect, and with which they would be satisfied, would be :

1. The liberation of the four gentlemen captured, and their delivery to your Lordship, and thus placed (*sic*) under British protection.⁴
2. An apology for the insult offered to the British Flag.

Queen Victoria never allowed herself to be left outside decisive affairs by her Ministers. Before being sent out, all important dispatches had to be submitted to her, with sufficient time allowed for her to master their contents and to suggest corrections. The Queen received the dispatch on November 30 at Windsor Castle.

¹ Ashley, *Life of Lord Palmerston* (1879), II, 411.

² Lord Palmerston to Queen Victoria, November 29, 1861, in Sir T. Martin, *Life of the Prince Consort* (1880), V, 420.

³ The Foreign Office archives covering the years 1861 to 1878 were only opened, under certain conditions, to students early in 1925. The *Trent* drafts are in F.O. America, 758.

⁴ A correction pencilled on the document, apparently in Palmerston's handwriting, substitutes "with a view to their being."

She and the Prince Consort read it together by their green shaded lamp. The two statesmen (for Queen and Prince deserve these high titles) judged the message to be too peremptory. Next morning Prince Albert, sick nearly to death, was up at seven o'clock, writing with shaking hand ¹ a Memorandum, which suggested another version for the dispatch. This Memorandum, as written by the Prince Consort, with further corrections in the Queen's handwriting, was sent to Lord Russell. The Foreign Secretary agreed to the suggestions at once. The Prime Minister, Lord Palmerston, "thought them excellent." ² The result was that the passage marked A ³ was struck out, and a new passage (marked B in the draft now in the Public Record Office) was substituted. A note appended to the draft, signed "E. H." (Edmund Hammond, the Permanent Under-Secretary of the Foreign Office), says: "The substance of this alteration was suggested by the Prince Consort." The most important paragraph in the new version, "B," was as follows:

Her Majesty's Government, bearing in mind the friendly relations which have long subsisted between Great Britain and the United States, are willing to believe that the United States naval officer who committed this aggression was not acting in compliance with any authority from his Government, or that if he conceived himself to be so authorised, he greatly misunderstood the instructions which he had received.

Thus expressed, the dispatch did not sound like an ultimatum. Just as about nine years later Bismarck altered the Ems telegram so that it sounded like a clarion (Moltke's words), whereas before it had sounded like peace, so conversely Prince Albert altered Russell's dispatch, which now was a message of peace, whereas before it had been a clarion. The Cabinet accepted the new version, and sent it off by Queen's Messenger, who arrived at the British Legation at Washington at half-past eleven on the night of December 18. Lord Lyons was to demand the release of the four prisoners (who were now interned in Fort Warren, Boston) and also "a suitable apology." The dispatch was dated November 30. Another dispatch of the same date instructed Lyons to consent to a delay of seven days for an answer to be given by the American cabinet: "If at the end of that time no answer is given, or if any other answer is given except that of compliance with the demands of Her

¹ Sir Theodore Martin, *op. cit.*, V, 421.

² *Ibid.*, V, 422.

³ See above, p. 177.

Majesty's Government, your Lordship is instructed to leave Washington, with all the members of your Legation, bringing with you the archives of the Legation, and to repair immediately to London." ¹ Mr. Adams, who visited Lord Russell, and was informed of the tenor of the dispatch, asked "whether, if Lord Lyons came away, would a declaration of war be the immediate consequence." Lord Russell said that nothing was decided: "We should wait for the reply from America and then decide upon our course." All the same, Lord Lyons was instructed to obtain working drawings of the latest patterns of "any breech-loading and rifled field and garrison guns which may have been adopted in the United States." ²

Lord Lyons, of course, knew all about the *Trent* incident long before the dispatch concerning it reached him from the Foreign Office, but he determined "not to take any decided step in the matter" until he "received orders from Her Majesty's Government." ³ Thus, in the absence of an Atlantic cable, a wholesome delay of six weeks ensued between the boarding of the *Trent* and the reception of Lord John Russell's critical dispatch.

When the dispatch at last arrived, Lord Lyons went (on December 19) to the State Department and gave Mr. Seward the general purport of it. The episode which ensued is a complete answer to people who sometimes ask what is the value of the old, formal and secret diplomacy. Mr. Seward received Lord Lyons' communication with all seriousness, and said there was one question which he wished to put informally: did Lord Lyons' Instructions contain a time-limit within which the American answer had to be given. Lord Lyons subsequently related the episode to Lord Russell:

I told him that I did not like to answer the question; that what of all things I wished to avoid was the slightest appearance of a menace. He said I need not fear that; he only wished me to tell him privately and confidentially. I said that on that understanding, I would tell him that the term was seven days. He then said that much time would be lost if I did not let him have a copy of your dispatch, "unofficially" and "informally": that so much depended upon the wording of it that it was impossible to come to a decision without reading it. I told him that the only difficulty I had about giving it to him at once

¹ *Parliamentary Papers*, 1862, LXII, p. 613.

² Lord Russell to Lord Lyons, December 14 and 19, 1861 (F.O. America, 758).

³ Lord Lyons to Lord Russell, December 1, 1861 (F.O. America, 776).

officially was that the seven days would at once begin to run. He said that was very true, but I might let him have it on the understanding that no one but himself and the President should know that I had done so. I was very glad to let him have it on these terms.¹

Lord Lyons, who was perfect in smoothing over a rough passage, referring to the demand for release of the prisoners, said to Seward: "If there was a prospect of gaining this object I was willing to be guided by him as to the conduct, on my part, which would render its attainment more easy."²

Mr. Seward received the communication of the dispatch "seriously and with dignity, but without any manifestation of dissatisfaction."³ Lord Lyons then went back to his Legation. Almost immediately Mr. Seward came to see him, and expressed pleasure at having found the wording of the dispatch "courteous and friendly and not dictatorial or menacing." There was one further question which he wished to ask in strict confidence: supposing that at the end of the seven days the American answer was a refusal, what would the effect be? Lord Lyons replied that his Instructions "were positive and left no discretion"; if the American answer did not include the immediate surrender of the prisoners, it could not be accepted.

This was the culminating moment of the whole negotiation: the will-power of the two Governments was in equipoise; but a definite particle of force applied by one side, quietly, at the right moment and in the right place, would make the other side slowly, but definitely, give way. Lord Lyons, gravely, courteously, without haste or show of strength, felt the decisive moment, took the opportunity and made his fateful statement: that a refusal to surrender the prisoners would not be accepted by Great Britain. "I was not sorry to tell him this in the way I did," he reported to Lord Russell. "I avoided all menace which could be an obstacle to the U.S. yielding, while I did the only thing which will make them yield if they ever do, let them know that we were really in earnest."

What took place in the American Cabinet has never been made known. There was "a long and interesting session" on Christmas Day.⁴ Mr. Seward told Lord Lyons a little later, when it was all over, that he "had been through the fires of Tophet." The opinion in

¹ Lord Lyons to Lord Russell, December 19, 1861 (Newton, *op. cit.*, I, 65-6).

² Lord Lyons to Lord John Russell, December 19, 1861 (F.O. America, 777).

³ *Ibid.*

⁴ Nicolay and Hay, *op. cit.*, V, 35

official American circles was further influenced by the firm moral support which M. Mercier, French Minister at Washington, gave to the British view. Mercier "begged Mr. Seward to dismiss all idea of assistance from France, and not to be led away by the vulgar notion that the Emperor would gladly see England embroiled with the United States in order to pursue his own plans in Europe without opposition."¹ The Russian, Austrian, and Prussian Governments also instructed their Ministers at Washington to express disapproval of the action of the captain of the *San Jacinto*.² Thurlow Weed, a prominent journalist and politician from New York, was present in London, being an unofficial representative of the United States, charged with the duty of influencing public opinion in favour of the North. He, too, joined with the peacemakers, and wrote earnestly to Washington. The Generals were not all for war. If Grant was in favour of fighting, McClellan counselled peace.

The President, always prudent, had not publicly committed himself in any way. Unfortunately the Secretary of War, in making his annual report, had taken the opportunity to say that "should any emergency demand it, the Government could promptly put into the field an army of over three millions."³ At last, however, the party of peace prevailed.

Lord Lyons arranged with Seward, in order to give him plenty of time, not to present the British dispatch officially until the last possible moment, that is, until the eve of the departure of the next weekly packet. His aim throughout the negotiation was to bring it about that the United States' compliance "should have, as much as possible, the air of having been made spontaneously."⁴

On December 27 Lord Lyons received the American reply from Mr. Seward. The Secretary of State stated that Captain Wilkes of the *San Jacinto* had not acted under instructions. He concluded :

The four persons in question are now held in military custody at Fort Warren in the State of Massachusetts. They will be cheerfully liberated.

Your lordship will please indicate a time and place for receiving them.

¹ Lord Lyons to Lord J. Russell, December 23, 1861 (Newton, *op. cit.*, I, 68). See also Lord J. Russell to Lord Lyons, December 6, 1861 (F.O. America, 758).

² *Parliamentary Papers*, 1862, LXII, pp. 616-27.

³ Lord Lyons to Lord John Russell, December 6, 1861 (F.O. America, 776).

⁴ To the same, December 23, 1861 (F.O. America, 777).

Accordingly Slidell, Mason, and their two secretaries were conveyed from Fort Warren to Provincetown, and from there a British warship took them to Europe. But the British and French Governments declined to receive them as diplomatic representatives of the so-called Southern Confederacy. It is an interesting fact to notice that throughout the crisis, when war was being talked of, and troops being moved, the relations of the British naval *attaché* with the officers of the United States war-fleet were excellent.¹

Thus the *Trent* affair was liquidated. The three people who issue from it with outstanding credit are Mr. Seward, who steadily improved in statesmanship as time passed onward ; Lord Lyons, who (as he modestly explained to the Foreign Office) had resisted the temptation "to do something, which always besets one when one is anxious about a matter" ; and to the Prince Consort, who suggested the critical alterations in the *Trent* dispatch. "It was the last thing he ever wrote."²

When the crisis concerning the search of the *Trent* on the high seas was finished, a treaty was entered into by Great Britain and the United States, giving to the warships of either country a "reciprocal right of search" of British or American ships suspected of slave-trading. Ships seized under suspicion of slaving were to be judged in Mixed Courts, which would be established at Sierra Leone, Cape of Good Hope, and New York. If condemned in court, a slave-ship was to be broken up and sold in separate parts, unless one of the two Governments wished to purchase her. All negroes on such ships were to be immediately set at liberty ; their freedom was to be guaranteed by the Government to whom they were delivered.³

¹ Lord Lyons to Lord John Russell, December 9, 1861 (F.O. America, 777).

² Queen Victoria to Lord Palmerston, January 9, or 10, 1862 (Martin, *op. cit.*, V, 426). The Prince Consort died on December 14, 1861.

³ Treaty signed at Washington by Secretary of State Seward and Lord Lyons, April 7, 1862 (Malloy, I, 674).

CHAPTER XVI

THE CIVIL WAR (II)

Imperturbable and good-humoured as Lord Lyons was, he suffered from the strain of the war time at Washington. Except during the two months of official attendance on the Prince of Wales' Tour, he had only four nights away from Washington in three years. The Foreign Office was economical in those days. Lord Lyons pleaded with the powerful Permanent Under-Secretary, Edmund Hammond (son of Jefferson's *bête noire*, George Hammond), to let him have additional staff.

I conjure you to send me out two, or at least one, good working attaché as soon as possible. Brodie is completely out of health; Warre is always prostrated by the abominable heat of the place; Monson can do a great deal, but his constitution is not of iron; and as for myself, I cannot do much Chancery work in addition to my proper duties. Indeed, I shall soon break down. What you see of our work gives a very small idea of the amount of it. It seems to me that everybody North and South who gets into trouble discovers that he or she is a non-naturalised British subject.

The Minister did not ask the Foreign Office to make a special effort, and to send one of its shooting-stars: "What we want is a good industrious copier, well conducted in private life." The Foreign Office at any rate granted his request for leave of absence, and later they sent out Sir Edward Malet to strengthen the staff at Washington.

Lord Lyons came home for three months at the end of June, 1862, and was surprised to find so much hostile feeling against the United States. This feeling he ascribed partly to bitterness displayed in the Northern American Press (but equally complaints were made against at least one prominent organ of the British Press, the *Morning Post*), and partly to lack of cotton. Gladstone, a member of the Cabinet, one of the most reckless speakers in the annals of British statesmanship, was particularly unwise when he said, at a banquet at New-castle, on October 7, 1863:

Jefferson Davis and the leaders of the South have made an army ; they are making, it appears, a navy ; and they have made, what is more than either—they have made a nation.

This speech was made one of the points against the British, nearly ten years later, in the *Alabama* arbitration case.

When it was rumoured that General McClellan had been defeated, Lord Lyons wrote from England to the British *chargé d'affaires* at Washington : " I am afraid no one but me is sorry for it." ¹ The diplomatic scene largely shifted from Washington to London : for Seward and the State Department were now as friendly to the British Government as formerly they had been suspicious. Lord Lyons' biographer mentions a curious fact in the sequel to the *Trent* affair. British troops in considerable numbers (about 12,000) had been ordered to Canada in apprehension of the war which the Lyons-Seward negotiations had just happily prevented ; and Seward, in his excess of amiability, actually offered to let the troops land at an American port, and go overland to Canada. The offer was courteously declined. When Lord Lyons, before going on leave, said good-bye to Lincoln, the President (who is believed to have been one of the war-party in the *Trent* affair), said : " I suppose my position makes people in England think a great deal more of me than I deserve ; pray tell 'em that I mean 'em no harm." ²

In Great Britain the good feeling for the North (that is for the United States) began definitely to gain over the feeling for the South, after Lincoln had issued his Proclamation of Emancipation of the Slaves on September 22, 1862. At first the Proclamation met with some sneers in the British Press, but on January 29, 1863, a vast meeting in Exeter Hall convinced Mr. Adams that the middle class was definitely in favour of the " North." Public men were unofficially doing useful work to keep Great Britain and the United States friendly. John Lothrop Motley, the eminent historian, and Charles Sumner, the cultured Senator and Chairman of the Senate Committee on Foreign Affairs, and other prominent Americans, engaged on a definite course of correspondence with their British friends and acquaintances, to explain the position of the United States. The conclusion on the British-American Reciprocity Treaty, acknowledging right of search of suspected slave-ships (a point Great Britain had for fifty years been pressing for), showed the logic

¹ The above quotations are from Newton, *op. cit.*, I, 87-9.

² Lyons to Russell, June 13, 1862 (Newton, *op. cit.*, I, 89).

of facts drawing the two Governments and peoples together. The cotton famine proved that the manual workers were on the side of the North.

Jefferson Davis, the President of the Southern Confederacy, staked his foreign policy, and consequently the fate of the Southern cause, on cotton: the need for cotton in Europe, particularly in Great Britain, would, he expected, impel foreign Governments to make some movement in favour of the South. The fate of the Union depended on the Cotton Famine of 1861-3. The blockade of the South by the Union began in April, 1861, too late to prevent the shipments of the last summer's crop. But by the time spring had come and gone in 1862 supplies of cotton raw material were growing very low. The distress thus occasioned in Lancashire was very serious indeed; but it made no difference to the attitude of the workers, who remained, as a whole, so far as they had views on foreign policy, in favour of the United States. In 1863 the tension was relaxed somewhat. The supply of raw cotton which came into Great Britain was twenty-five per cent. greater than that of 1862. The economic weapon had failed to bring Great Britain into the conflict. Cotton was no longer King.¹

In November, 1862, the French Government had proposed that the British Government should join with it in proposing mediation and a suspension of hostilities. The British Government declined. Mr. Adams began to feel the social atmosphere to be a little better, although his son, who was his private secretary, hated the dismal outlook (in his eyes) from the Legation in No. 5, Upper Portland Place, and, in his gloomiest moments, only expressed a wish, not to kill the Southern rebels, but "to wipe England off the earth."² The Prime Minister, Lord Palmerston, had made a fool of himself by writing (not through the Secretary of State for Foreign Affairs, but directly) to Mr. Adams complaining of Order No. 28 of General Butler, commander of the United States troops at the capture of New Orleans. The Southern ladies had been showing their patriotism by hissing the United States soldiers, and General Butler, to stop this, on May 15, 1862, ordered that women "who insult any soldiers are to be regarded and treated as common women plying their vocation": this meant, it seems, that they were to be locked

¹ As the war went on increased supplies of cotton were brought from India (Spencer Walpole, *The History of Twenty-Five Years* (1904), II, 34).

² *The Education of Henry Adams*, p. 128.

up in the gaol.¹ When this order was reported in London, Palmerston dashed off a letter of protest against "so infamous an act as deliberately to hand over the female inhabitants of a conquered city to the unbridled licence of an unrestrained soldiery." Everybody knew that Lord Palmerston was a man of loose morals, but Mr. Adams did not allude to this fact in his reply. A correspondence ensued, in which Palmerston's letters grew steadily feebler, although not more gracious; Lord Russell tried loyally not to show that he thought Palmerston's intervention very improper, and the incident closed with Mr. Adams declining "to entertain any similar correspondence," and also discontinuing his visits to Cambridge House.

This was rather a pity, for Palmerston's mansion was "the best diplomatic house in London," while Lord Russell's (Pembroke Lodge) was "one of the worst."² Everybody in the diplomatic world went to Cambridge House on a Saturday evening (these receptions were called the *Saturday Reviews*), and although these "at homes" were, it is said, deadly dull, people liked the kind Lady Palmerston. She did not, indeed, waste any words; and everybody admitted that there were many better houses in London—"dozens of statesmen more powerful and more agreeable than Lord Palmerston; dozens of ladies more beautiful and more painstaking than Lady Palmerston; but no political house was so successful as Cambridge House. The world never explains such riddles. The foreigners said only that Lady Palmerston was *sympathique*."³ Fortunately Lord Palmerston had all the merits of a sportsman: after the incident of General Butler's order and his own discomfiture "he never showed any resentment against Mr. Adams at the time or afterwards. He never began another quarrel. Incredible as it seemed, he behaved like a well-bred gentleman who found himself in the wrong." This "incredible" of the caustic Henry Adams is unfair to Palmerston; the private secretary must have known the Prime Minister's reputation for "cricket." Anyhow, the visits of the United States Minister were resumed with good results, until the *Alabama* again threw a cloud over affairs.

The British Foreign Enlistment Act of 1819 made a statutory offence: (1) the recruiting of British subjects or citizens for the military or naval service of a foreign Government; (2) the receiving on board a vessel, for the purpose of transporting from a neutral

¹ C. F. Adams, *op. cit.*, p. 247.

² *The Education of Henry Adams*, p. 132.

³ *Ibid.*, p. 134.

port, persons who may have been so recruited ; (3) the equipping, furnishing, fitting out, or arming a vessel in order that it may be employed in the service of such foreign Government ; (4) the augmenting of the warlike force of such a vessel of war. It was the provisions of the third section in particular of which (it was claimed) a breach had been made with regard to the *Alabama*, the *Florida*, and certain other ships.

The Southern Confederacy had a commission of its navy department at Liverpool, for the purchase of stores and such matters, under Mr. J. D. Bullock, a former officer of the U.S. Navy ; and it also had authorised agents, Frazer, Trenholm and Co., there for marketing the cotton which Southern blockade runners succeeded in getting through to European waters. There could, of course, be no objection on the part of the United States Government to the British buying of Southern cotton (any more than to the British buying of Northern wheat), or to the British selling of munitions to the Southern Confederacy ; for the United States Government was itself only too glad to have the opportunity of buying British munitions. But the fitting out of armed ships was something different.

The contract for the construction of the *Alabama* was signed by Messrs. Laird, the well-known shipbuilders of Birkenhead, on October 9, 1861. Frazer, Trenholm and Co. found the money. The agents of the United States were on the look out for such transactions, and the growing structure of the " iron steam vessel 290 " did not escape them. By the end of June a diplomatic contest was raging around the vessel which was still on Messrs. Laird's slips. Minister Adams in London had been making representations on account of the United States to the Foreign Office. Lord Russell caused inquiries to be made. On June 28 (1862), the Collector of Customs at Liverpool sent the result of an official survey : " I must respectfully beg to report that the vessel to which these papers refer has not escaped the notice of the Customs officers, but, as yet, nothing has transpired concerning her which appeared to demand a separate report." The ship was found to have several powder canisters on board, " but neither guns nor carriages as yet." She was exactly as the United States Consul had described her, " except that her engines are not on the oscillating principle." Evidently, this was not sufficient ground to justify Lord Russell in seizing anybody's property. Messrs. Laird did not deny that the ship was being

built for a foreign Government, but they did not "appear disposed to reply to any question with reference to the destination of the vessel." ¹

By July 21 the United States Consul at Liverpool had collected some evidence with regard to gunboat 290, building in Messrs. Laird's yards, and had forwarded this evidence through the Collector of Customs to the Foreign Office. One Englishman, a seaman who had served on board H.M.S. *Terrible* in the Crimean War, stated that he had been engaged by Captain Bullock, at £4 10s. a month, to serve in the ship which (said Bullock) was "going to fight for the Southern Government." Other evidence was supplied. But on July 22 the Commissioners of Customs at Liverpool decided, on the advice of their solicitor, that the evidence was not sufficient to justify them in detaining the vessel under the Act of 59 George III. On July 23 (Wednesday) Mr. Adams in London addressed a letter of protest to Lord Russell. For some reason the dispatch did not come into Lord Russell's hands until Saturday, July 26. Then he seems to have acted quickly enough, by referring the case to the Queen's Advocate, Sir John Harding. Sir John had just then broken down suddenly (he became insane), and his wife, instead of sending the packet post-haste back to the Foreign Office, let it lie until Monday (July 28). The delay embroiled the United States and Great Britain for nearly ten years, as well as costing any sum between three million and twenty million pounds sterling. On Monday evening the Attorney-General and Solicitor-General considered the papers, and advised that the "vessel 290" be detained. But on the evening of the 28th she had left the Birkenhead docks. Telegrams were sent to the Collectors of Customs at Liverpool, Cork, Beaumaris, Holyhead, and Queenstown, but No. 290 never put in at any of these places. On September 1 the master of a steamship, the *Bahama*, which arrived at Liverpool that day, reported that "when off the Western Islands he spoke the Confederate gunboat *Alabama* (No. 290) built in Messrs. Laird's yard at Birkenhead, heavily armed, having a hundred-pounder pivot-gun mounted at her stern." Gunboat 290, having taken a name, had received armament when at sea from some waiting British merchantmen.

There is no ground for imputing bad faith to Lord Russell or the other British officials. It may quite well be that many people sympathised with the South and were not anxious to see gunboat 290

¹ *Parliamentary Papers*, 1863, LXXII, p. 637.

detained. But it is impossible to assert on any evidence that the delay in putting the law into motion was due to British conspiracy or connivance. There was the bad luck of Sir John Harding's illness, there was the bad management of his wife in not sending back his papers at once to the Foreign Office, and there was just the general incompetence and indecisiveness of Lord Russell, which when he came to deal, for instance, with the Schleswig-Holstein Question, were to cost his country, and other countries, a great deal more than ever the *Alabama* claims could do.

Mr. Adams had fought and lost the battle of the *Alabama*, but it was not entirely useless : his struggle over that ship helped him to win with regard to the celebrated Laird rams.

The Southern Confederacy in 1862 was doing well in the field, but it was beginning to feel the blockade severely. So its Navy Board formed a plan to deal with the blockade. In those days of little American navies, consisting chiefly of wooden ships, the possession of a couple of powerful ironclads would turn the scales of victory and defeat. So, in the summer of 1862, shortly before the *Alabama* made its way out of the Mersey, contracts were placed with Messrs. Laird for the construction of two "rams," that is, two ironclads with steel bows for ramming and sinking other ships. The rams would break the blockade of the Southern ports, so the Government of the Southern Confederacy was as eager to get them as the United States Government was to prevent their going to sea.

Mr. Adams was informed through the usual channels that the rams were building in the Birkenhead yards. He began, somewhat despondently, the same sort of protests as had proved ineffective in the *Alabama* case. This ill-fated ship was in the early months of 1863 in full career ; she had a good crew (mainly British), a very enterprising Southern captain, and she sailed swiftly with screw and sail. Mr. Adams took note of the value of the losses which she caused to United States commerce ; and to strengthen his hands with regard to the Laird rams he re-started the *Alabama* affair and began, on February 19, 1863, an elaborate official correspondence with the unhappy Earl Russell. Mr. Adams opened the ball with a note of three lines, enclosing a memorial from the New York Mutual Insurance Company concerning losses in ships, insured with the Company, which the *Alabama* had boarded and burned. Repayment was claimed from the British Government. Lord Russell tried to close this correspondence at its start by replying briefly that he " had the

honour to state that Her Majesty's Government entirely disclaim all responsibility for any acts of the *Alabama*." ¹ Mr. Adams was not satisfied. He asked for an interview. Lord Russell saw him at the Foreign Office on March 27. A dispatch from Mr. Seward was read. Several suggestions were made concerning the privateer war. Mr. Adams went back to Upper Portland Place. On April 4, he wrote another short note to Lord Russell, enclosing an affidavit of one Clarence R. Yonge, sometime paymaster on board the *Alabama*; he had terminated his connection with the ship at Port Royal, Jamaica, and had come to England in March, 1863. Yonge's account of the cruise of the *Alabama* from Liverpool to Port Royal makes exciting reading. He gave a list of the crew: the officers were American, but of the sixty-two seamen, forty-one were entered as Englishmen.² So the correspondence was kept in progress, and the bill steadily mounted, until Lord Russell must have cordially wished the *Alabama* and all its supporters and opponents at the bottom of the sea, while his clouded spirit could only contemplate the rams (rapidly finishing in Messrs. Laird's yards) with undisguised dislike. In March, some of the Adams-Russell correspondence had got into the newspapers, an indiscretion, doubtless, of some subordinate in the American Legation—Mr. Adams himself would not have countenanced this; but perhaps his gloomy son and private secretary, who thought Lord Russell to be a humbug, may have let out the negotiations.

To such an extent was it realised that the rams held the fate of America, that the United States Government was ready to use every sort of means to stop them. Perhaps the most curious means employed by Lincoln's Navy Board was to send "two private gentlemen of high character and reputation for business and executive capacity" to buy the rams from Messrs. Laird by offering more than the Confederate Government could pay. They were given ten million dollars in U.S. bonds to bargain with. "Diplomatically, it was a most dangerous course, as the United States now proposed secretly to do just what its accredited representative in Great Britain was strenuously claiming that the Confederacy had no right to do."³ The two emissaries came to England, but found the design of buying the rams impracticable; so they returned to Washington with their

¹ *Parliamentary Papers*, 1864, LXII, pp. 4-5.

² *Parliamentary Papers*, 1863, LXII, pp. 9-10.

³ C. F. Adams, *op. cit.*, p. 320.

ten million dollars' worth of bonds untouched. "Mr. Adams was prudently kept uninformed as to the errand of these gentlemen and the steps they took in pursuance of it." ¹

Mr. Adams' Instructions from the State Department made it clear to him that the United States Government regarded the question of the rams as one of war or peace with Great Britain. However, he hid this knowledge for months in his breast, and doggedly worked to solve the question by diplomacy. He had to reckon not merely with Lord Russell, but also with the Southern Confederacy's diplomatists in Europe. The representative in Great Britain, Mr. Mason, had no particular capacity and no official relations with the British Government. The Southern representative in France, however, Mr. Slidell, was a very able diplomatist. He had a plan for getting the rams out of Britain: he arranged that a French firm, Messrs. Bravay, acting ostensibly for the Pasha of Egypt, should purchase the rams from Messrs. Laird. The transaction was completed. Messrs. Bravay bought the ships and engaged with Slidell to re-sell them outside the British jurisdiction. Messrs. Laird seem to have sold the ships in all good faith to Messrs. Bravay. Then Slidell, through the eminent banking firm of Erlanger and Co., floated £3,000,000 of Confederate bonds, and so was ready to pay off Messrs. Bravay. He is believed even to have been behind a sort of campaign in England to force Lord Russell (whose honesty made him dangerous to the Southern Confederacy) to resign from the Foreign Office. This intrigue failed, but time ran on, and "the first of the Laird rams took the water at Birkenhead on the 4th of July" (1863). Summer passed and in the early days of September it was known that the rams were ready to steam out to sea. Mr. Adams knew that his Government would fight over the rams question, and he had had for months in his portfolio instructions which effectively amounted to an ultimatum. Meantime the United States armies had been doing better; the battle of Gettysburg (July, 1863) and the capture of Vicksburg, in the same month, were believed then (and are still believed) to be the turning of the tide. Mr. Adams judged that his hour had struck. On September 5, 1863, he sent to Earl Russell a dispatch stating that one of the rams (called an "ironclad war-vessel") was on the point of departure. This was only possible through the policy of H.M. Government. Thus the ports and yards of Great Britain were practically at the disposal of the Southern

¹ C. F. Adams, *op. cit.*, p. 322.

Confederacy. "It would be superfluous in me to point out to your lordship that this is war."¹ But Lord Russell must have decided to stop the rams at the very same time as Mr. Adams was deciding to mention the word *war*; and while Mr. Adams was penning his dispatch, the Permanent Under-Secretary of the Foreign Office was writing to the British Legation at Washington: "We have given orders to-day to the Commissioner of Customs at Liverpool to prevent the two ironclads leaving the Mersey. These orders had scarcely been sent when we received the note from Mr. Adams." Lord Russell replied briefly three days later (September 8) in a note to Mr. Adams, saying that preventive orders had been sent to Liverpool. On the 11th his temper overflowed and he sent a long dispatch, defending his actions and, in strong, though perfectly civil language, taking up Mr. Adams' mention of war:

If, in contradiction to the doctrine repeatedly and deliberately promulgated by Presidents of the United States, the furnishing of such supplies [arms and war-like stores] by the subjects of a neutral to one belligerent is, as you would seem to represent it, an act of war against the other belligerent, the United Kingdom of Great Britain must be deemed to be at war with both the contending parties in North America.

The wordy contest went on for some time, but the rams had been stopped after the Foreign Office had ascertained that Ismail Pasha did not intend to buy them from Messrs. Bravay. To make sure that they did not get into wrong hands the British Admiralty itself bought the rams. Some years later Mr. Adams saw one of them at a Naval Review at Portsmouth: "As I looked on the mean little thing," he wrote, "I could not help a doubt whether she was really worthy of all the anxiety she had cost us."²

It may be that in 1863, when the Laird rams were launched, the fortune of war was really turning in favour of the Union. Yet people in America did not realise this; still less could distant and perhaps prejudiced British observers. Between 1861 and 1863 Edward Augustus Freeman, in the quiet study of his Somerset country-house, was writing the *History of Federal Government from the Foundation of the Achæan League to the Disruption of the United States*,³ a disruption which apparently he expected to be permanent.

¹ Mr. Adams to Earl Russell, September 5, 1863, in *Parliamentary Papers*, 1864, LXII, p. 155.

² C. F. Adams, *op. cit.*, p. 316.

³ Published in London, 1863.

The first volume, covering the period from 274 B.C. to 145 B.C., was published in 1863.¹ The narrative stopped there. It never even remotely approached a Disruption, which now seems farther off than ever.

¹ Cp. E. D. Adams, *Great Britain and the American Civil War* (1925), II, 153. Anthony Trollope, who returned from a tour in America in 1862, likewise thought that the Union was permanently broken up.

CHAPTER XVII

THE END OF THE CIVIL WAR

The blockade of Southern ports by the United States Navy, and especially the command of the Lower Mississippi and the Gulf secured by Admiral Farragut, and the vast encircling strategy of General Grant, gradually brought the Civil War to a close. The *Alabama* came to the end of her career on Sunday, June 19, 1864, when the *Kearsarge*, commanded by the U.S. Naval Captain Winslow, sank her off Cherbourg. The contest was watched from a British private yacht, the *Deerhound*. Captain Winslow, who had not enough boats to save the crew of the *Alabama* from drowning, hailed the *Deerhound*, and asked her to assist in picking up the men. The *Deerhound* therefore steamed closer, lowered her boats, and picked up forty-one of the crew of the *Alabama*, including the skipper, Captain Semmes. Then, to the astonishment of the captain of the *Kearsarge*, the British yacht steamed away with the *Alabama's* crew on board. These men were subsequently landed in England and, in spite of the protests of the United States Government, Lord Russell refused to give them up. He declined to discuss the action of the *Deerhound*, and maintained that once the salvaged men were on British soil, there was no method known to municipal or international law by which they could be surrendered to another Government. The incident was unfortunate and unpleasant for the United States, but it is impossible to see how Lord Russell could have acted otherwise than he did.

After the affair of the Laird rams Great Britain and the United States never looked like being at war. The men of the North could not help feeling a grievance ; it was said by some that the Civil War would have stopped after the Battle of Gettysburg had it not been for the activities of the *Alabama*. After the destruction of this famous vessel, the end of the Civil War was in sight. " If you can whip Lee," wrote Sherman (who was planning his march through Georgia), " and I can march to the Atlantic, I think Uncle Abe will

give us a twenty days' leave of absence to see the young folks." ¹

Diplomatic life in London became easier. "Minister Adams' success in stopping the rebel rams fixed his position once for all in English society." ² Hitherto he had been compelled to play strictly the rôle of diplomatist : now the tension was eased, and he was able to take up the normal character of an American Minister in London, "the character of a kind of American Peer of the Realm." As such, his functions were mainly social, and he was privileged to enjoy to the full the congenial English society. For "the British never did things by halves. Once they recognized a man's right to social privileges, they accepted him as one of themselves." Just as in politics the party not in office was given by its adversaries a kind of official standing as Her Majesty's Opposition (domestic), so Minister Adams had a recognized rank of his own as leader of Her Majesty's Opposition (American). It was all a fair political game, and made no bad blood in social relations. "Minister Adams rapidly gained a position which would have caused his father or grandfather to stare with incredulous envy." ³

This Anglo-American style of diplomacy was very useful in London, but the shrewd observer (Minister Adams' son and private secretary) thought that it was useless, even mischievous, anywhere else. This may be so, but it served well enough to keep two great nations together in smooth and in difficult times. The Minister's son was impatient of it : "Private secretary in the morning, son in the afternoon, young man about town in the evening, the only character he never bore was that of diplomatist, except when he wanted a card to some great function." Even as social experience the young man thought this time in London valueless. "The Prince Consort was dead ; the Queen had retired ; the Prince of Wales was still a boy. In its best days, Victorian society had never been 'smart.' " Louis Philippe had set the fashion for courts to be simple, serious and middle-class. "The taste of Louis Philippe was *bourgeoise* beyond any taste except that of Queen Victoria. . . . Nothing could be worse than the toilettes at Court unless it were the way they were worn." There was the usual truth in all this, looked at one-sidedly : the young Adams was as satirical as Juvenal. The ordinary, enthusiastic American, turned diplomatist, liked it. Henry Adams

¹ September 20, 1864. Quoted in Rhodes, *op. cit.*, V, 7.

² *The Education of Henry Adams*, p. 194.

³ *Ibid.*, p. 195.

admitted later that the best judges thought differently from him : "Lothrop Motley, who stood among the very best, said to him early in his apprenticeship that the London dinner and the English country-house were the perfection of human society."¹

In Washington Anglo-American diplomacy was little troubled in the last stages of the war.

Life at the North during the war resembled that of most civilised communities which had full communication with the outside world. Business went on, schools and colleges were full, churches were attended, and men and women had their recreations.²

As the war went on, people (doubtless owing to nervous strain) became less frugal, more given to gaiety. Secretary Seward's son, F. W. Seward, wrote about Washington in 1864 :

We seem to have reached a new stage in the war. Gaiety has become an epidemic in Washington this winter. There is a lull in political discussions, and people are inclined to eat, drink, and be merry. The newspapers can furnish nothing more interesting to their readers than accounts of parties, balls, and theatres, like so many court journals. Questions of etiquette are debated with gravity. People talk of "society" who never before knew or cared about it. A year ago the Secretary of State was "heartless," or "unpatriotic," because he gave dinners ; now the only complaint of him is that he doesn't have dancing.³

That the United States Government felt all danger from the seceding States to be over in the spring of 1865 is proved by a brief note which Minister Adams sent to Lord Russell on March 17. In this he informed Her Majesty's Government that the Reciprocity Treaty of June 5, 1854, was considered to be no longer in the interest of the United States, and that consequently "it will terminate and be of no further effect, as provided by the terms of the instrument, at the expiration of twelve months from the date of the reception by your lordship of this notice."⁴ Thus a vacuum was created in the East Coast fisheries, which would have in due course to be filled by another treaty. While the United States Government was denouncing the Reciprocity Treaty and getting ready for a new economic start and for new tariffs, General Grant was completing the investment of Richmond and Petersburg. The great Virginian held th

¹ *The Education of Henry Adams*, p. 200.

² Rhodes, *op. cit.*, V, 189.

³ *Ibid.* Also *Life of Seward*, III, 207.

⁴ *Parliamentary Papers*, 1865, LVII, p. 121.

two towns and the railway going westward. On March 31 Lee attacked Sheridan's line and won a success ; but on April 1 Sheridan replied with the battle and victory of Five Forks. On the night of Sunday, April 2, Lee evacuated Richmond and Petersburg (which were twenty miles apart, north and south) and withdrew west, hoping to escape into the Virginian mountains. But Sheridan got round in front of him and occupied Appomattox Railway Station (April 8). Lee gave up the struggle. On the 9th, dressed in faultless uniform of Confederate grey, he met by appointment Grant, who wore a pair of old military trousers and a dark-blue blouse, open at the neck.¹ The will of the South bowed before the will of the North in Appomattox Court House. Thus ended not merely the Civil War, but also the years in which the United States had no weight in international relations. The newly consolidated United States was bound to be a World Power.

In the awful tragedy of April 14, 1865, when Abraham Lincoln was assassinated in Ford's Theatre, in Washington, he was witnessing the performance of an English play, brought out before the war. This was *Our American Cousin*, by Tom Taylor, a well-known English playwright and later editor of *Punch*.² His play, with its inimitable character of Lord Dundreary, had been popular in America since its first production, in 1858, at Laura Keene's Theatre in New York. It was Miss Keene's company that was presenting it in Ford's Theatre when Lincoln was murdered.

The British public received the news of Lincoln's assassination with profound sorrow. The Queen wrote a private letter to Mrs. Lincoln. The House of Lords and House of Commons each carried, without dissentient voice, a resolution expressing " the deep sorrow and indignation " with which the Houses learned of the assassination of the President. Lord Russell in dignified language justly praised the late President's integrity, sincerity, straightforwardness and kindness. The Leader of the Opposition, Lord Derby, spoke in the strongest language of the horror with which he viewed the crime, although with singular lack of tact and reverence he strayed off into a defence of the Southern States : curiously, it was not realised in England that the South were beaten and the war was at an end. Stratford Canning (a Peer by this time, Lord Stratford de Redcliffe),

¹ See Rhodes, *op. cit.*, V, 125.

² Nicolay and Hay, *op. cit.*, X, 294. See also *New York Herald* for April 15, 1865.

forgetting that forty-five years earlier he himself had prophesied the disruption of the United States, said : " The dreadful rupture which took place in the election of the late lamented President could hardly have been foreseen by the most sagacious and far-sighted politician " : and he expressed a hope that the " terrible calamity which has occurred with such awful suddenness will sober the agitated passions on both sides." ¹

In the House of Commons the Resolution of Sympathy was moved by Sir George Grey, and seconded by Mr. Disraeli, who said :

In the character of the victim, and even in the accessories of his last moments, there is something so homely and so innocent that it takes, as it were, the subject out of all the pomp of history and the ceremonial of diplomacy ; it touches the heart of nations, and appeals to the domestic sentiment of mankind.

The late President, said Mr. Disraeli, " fulfilled his duty with simplicity and strength." The perpetration of crimes like the assassination of a great statesman was apt to plunge the public into " gloom and perplexity." But " assassination has never changed the course of history . . . the costly sacrifice of Cæsar could not propitiate the inexorable destiny of his country." The violent deaths of Henry IV and William of Orange did not stop the progress of their peoples. And so it would be with Lincoln's death. The American people would go onward, " rich in that accumulated wisdom and strong in that disciplined energy which a young nation can only acquire in a protracted and perilous struggle. Then they will be enabled not merely to renew their career of power and prosperity, but they will renew it to contribute to the general happiness of mankind." ²

It was a British evening journal which said what was perhaps the best thing of all : the late President had " never exhibited a trace of vindictiveness," he had " accomplished the mission which he was raised to fulfil," and left behind him " a pure and spotless name." ³

¹ See Hansard, *Parliamentary Debates*, CLXXVIII, 1219-28 (May 1, 1865).

² Hansard, CLXXVIII, 1246 (May 1, 1865).

³ *The Evening Star*, London, April 26, 1865. Cp. E. D. Adams, *Great Britain and the American Civil War*, II, 239, n. 1.

CHAPTER XVIII

THE RECONSTRUCTION YEARS

On Lincoln's assassination, the Vice-President, Andrew Johnson, succeeded as President. Johnson was a man of the South, from Tennessee, uneducated, ill-mannered, but eloquent, courageous and energetic. He had been a staunch supporter of the Union. Under him Seward continued to administer the State Department. Freed from the anxieties of the Civil War, he continued writing dispatches, more elegant, more persuasive than ever. On the British side the spirit and methods of foreign policy were unchanged. Palmerston died in October, 1865, and Lord Russell became Prime Minister, with the accomplished and conciliatory Lord Clarendon as Secretary of State for Foreign Affairs.

The work of reconstruction occupied the energy of the American Government for some years after the Civil War. Materially, the reconstruction policy succeeded ; morally, that is, as an attempt to make the black equal to the white in the South, it failed. The whites, superior in intelligence, energy and property, reasserted their ascendancy. Secretary Seward had some difficult problems to deal with. In the first place he had to get the French out of Mexico. The world has not even yet fully appreciated the importance of the American Civil War : on this struggle depended the union or disunion of the "States," with all the stupendous consequences that would result, for America and for the rest of the world, from union or disunion ; and on this struggle also depended to a large extent the fate of the Empire of Mexico, and therefore of the Monroe Doctrine.

The Empire of Mexico began with a joint effort of Great Britain, France, and Spain, to force, by a military and naval demonstration, the defaulting Republican Government to honour its debts. The occupation of Vera Cruz occurred in December, 1861. Spain and Great Britain, however, withdrew their forces in March, 1862, because they disagreed with the French interference in the domestic politics of Mexico. "England promptly repudiated any responsi-

bility for, or sympathy with, plans to subvert the Republican Government of Mexico.”¹

Napoleon III persisted in his policy of intervention, and extended it into a grand design for a Mexican Empire, thus basing a military imperialism on the ruins of republicanism in Central America, as he had already done in France. And if the American Civil War had resulted in the defeat of the North, Napoleon's influence would not have stopped at the Rio Grande. In the long run some colossal struggle for dominion would have been inevitable in America, comparable to the War of 1914-18 in Europe.

Napoleon III had 30,000 men in Mexico under Marshal Bazaine. In June, 1863, Bazaine occupied Mexico City. Annexation of Mexico by the French Government was impossible: even Napoleon I early made up his mind that a French Empire in America could not be maintained. But if one of the great, legitimate dynasties of Europe could be induced to provide a Prince, opposition in Europe would be disarmed, and the system of the defunct Holy Alliance would be established in Central America. There was already a forty-year-old and fairly efficient Empire in Brazil. So the Archduke Maximilian, brother of the Emperor Francis Joseph of Austria, was prevailed upon to leave his beautiful and cultivated home at Miramar on the Adriatic for the crudities of Mexican civilisation and the peculiar responsibilities of a Mexican crown.

The end of the Civil War, the reunion of North and South, added weight to the views of the United States on the Mexican question. The political situation also in Europe was causing Napoleon great anxiety. Seward's dispatches became more firmly insistent. In the course of the Civil War the United States had armed and trained about a million men, and had produced and tested a fine school of generals. Grant had been ready to invade Canada, at the time of the *Trent* affair when the Civil War had just started. He would have found less difficulty now in invading Mexico, and personally he was quite ready to cross the Rio Grande. Sheridan, a dashing leader, was sent to the Rio Grande with fifty thousand men. The American Minister at Paris, John Bigelow, had to read Notes of increasing strength to Drouyn de Lhuys, the prudent French Minister for Foreign Affairs, whose chief objects in life were to preserve the European Treaty system and to keep Napoleon III out of trouble. At last,

¹ *Reasons of the Withdrawal of the French from Mexico*, by C. A. Duniway, in *Annual Report of the American Historical Association*, 1902, vol. I, p. 315

on December 16, 1865, Seward sent a dispatch which in effect demanded that the French troops should be withdrawn from Mexico. Mr. Seward wrote :

It has been the President's purpose that France should be respectfully informed upon two points, namely :

First. That the United States earnestly desire to continue and to cultivate sincere friendship with France.

Secondly. That this policy would be brought into imminent jeopardy, unless France could deem it consistent with her interest and honour to desist from the prosecution of armed intervention in Mexico. . . .¹

It was not, however, until April 5, 1866, that the *Moniteur* announced the forthcoming evacuation of Mexico by the French. The ending of the Civil War with the victory of the North, was the doom of the empire of Mexico.²

It was time that Napoleon did something to disembarass himself of complications in the New World. On July 3, 1866, Austria was defeated by the Prussians on the field of Königgrätz. Every one recognized the significance of the event : " It was as if on the floor of Old Europe something had broken." ³ At the end of the year the evacuation of the French army from Mexico began in earnest : it was completed by March 12. The Emperor Maximilian could have gone too, but he refused to leave the people (there were not very many of them) who had trusted him. He was captured by President Juarez and the Republicans (May 15), and was shot, after trial by court martial, at Queretaro, on June 19, 1867.

The British and American Governments did what they could to save him. Great Britain had at this time no representative with the Republic of Mexico : the British Minister, the Honourable P. C. Scarlett, had been accredited to the Emperor Maximilian.⁴ The United States had a Minister, Mr. Campbell, properly accredited to the Mexican Republic. On June 1, 1867, Mr. Seward ordered Campbell (who was staying at New Orleans) by telegraph to proceed to Mexico, in order to carry an urgent demand for clemency to President

¹ *Diplomatic Correspondence (Papers and Messages relating to Foreign Affairs, part III)*, 1865-6, pp. 490-1. Cp. *Reminiscences of Carl Schurz* (1909), II, 301-2, and *Annual Report of the American Historical Association*, 1902, vol. I, p. 325 (article by Duniway).

² Cp. *Lettres de Charlotte, Impératrice de Mexique*, in *Revue des Deux Mondes*, 15 Février, 1925.

³ P. de la Gorce, *Histoire du Second Empire* (1913), V, 12.

⁴ Hansard, CLXXXVIII, 1710 (July 19, 1867).

Juarez. Campbell, lazy and inert, postponed departure, and in the meantime the amicable and gallant Maximilian was executed. On July 9 the British Foreign Office received a telegraphic dispatch from Paris, saying "that the Emperor Maximilian was shot on the 19th in spite of every effort made to save him; the tone of the victorious party was defiant towards all foreign Powers, including the United States." ¹

Writing shortly before the outbreak of the Great War of 1914, the historian of American diplomacy stated: "The Austrian Court has never since been an altogether pleasant residence for an American Minister." ²

The relations of Great Britain and the United States were not wholly untroubled in the "reconstruction years." After midnight on May 31, 1866, about one thousand Irishmen, belonging apparently to a society called Clan-na-Gael or Fenian, collected themselves at Buffalo under a "Brigadier-General" O'Neill, and crossed the Niagara River into Canadian territory near Fort Erie, an old British redoubt. They had a brush with Canadian volunteers at Ridgeway, about eight miles west of Fort Erie, on June 2, and fought well until the British regulars came up from Port Colborne, whereupon the Fenians retreated to Fort Erie.³ The State Department, which combines the functions of Home Office and Department of Foreign Affairs, acted promptly and energetically. General Meade, one of the best of the Civil War generals, was put in charge of the preventive measures. The Fenians, trying to cross back into American territory from Fort Erie, were captured by the United States patrol ship, *Michigan*. They were tried and punished for breach of the United States laws. The leader of the raiders bitterly complained of the "extreme vigilance of the Government of the United States" in frustrating the plans of a body of men who were acting "against the common enemy of human freedom." The British Minister at Washington, Sir Frederick Bruce, wrote on July 13, 1866:

I am directed by Her Majesty's Government to state that for some months past they have observed with regret, though without alarm, the organisation of the Fenians in the United States, but they have invariably abstained from making any official representation to the Cabinet of Washington, because they felt that they had no right, as

¹ Hansard, CLXXXVIII, p. 1254 (July 9, 1867).

² Fish, *American Diplomacy* (ed. 1923), p. 333.

³ See the long and graphic account of the raid in *The Times*, June 20, 1866, p. 10.

indeed they had no desire, to interfere with the administration of the law in the United States. They had, moreover, a perfect conviction that if ever the time came for the fulfilment by the United States of the obligations which international law imposes upon friendly and allied governments, that Government would take all the measures which those obligations and regard for its own honour might call upon it to perform.

Her Majesty's Government rejoice to find that this confidence has been fully justified by the result, and that the Government of the United States acted, when the moment for acting came, with a vigour, a promptness and a sincerity which call forth the warmest acknowledgments.¹

The Fenian raid caused no particular excitement in Great Britain. *The Times* newspaper did not have any "head-lines" about it. In the United States likewise the episode was regarded calmly, although at the moment it "stiffened the price of gold a little" from the apprehension that diplomatic trouble might ensue with Great Britain.²

In spite of the vigilance and honesty of the United States Government, the long, open British-American frontier of New Brunswick, Quebec, Ontario, and so on westward was always bound to tempt turbulent spirits to make trouble and to produce international complications. So there was good reason for the British Government to consolidate the political position of the Canadian colonies. It was not merely Irish raiders who caused trouble. Quite responsible people in the United States thought that, with the end of the Civil War and the re-establishing of the Union, an opportunity had come for further union, namely with Canada. A level-headed man such as C. F. Adams apparently believed that the annexation of Canada was possible; so did Charles Sumner, the influential Chairman of the Senate Committee of Foreign Relations.

This extraordinary expectation is to be understood (partly at least) by the casual way in which many people in Great Britain talked about the Empire and the possibility of Colonies "dropping off." Some encouragement, too, was lent to the expectation by the easy way in which Alaska fell into American hands. Alaska was Russian territory, and covered 577,390 square miles. The Tsar was prepared to sell it, and opened negotiations through Stoeckl, Russian Minister at Washington, in March, 1867. The laying of the Atlantic

¹ Sir F. Bruce to Mr. Seward, July 13, 1866, in *Diplomatic Correspondence (Messages and Documents)*, 1866-7, part I, p. 245.

² *The Times*, June 20, 1866, p. 11.

cable, by the steamship *Great Eastern*, had recently been completed (1866).¹ So, after the terms had been settled at Washington, it did not take long to get the Tsar's assent. On March 29 Stoeckl, having received the cable-message, called on Seward at his house. Seward was having his evening game of whist. "I have the dispatch from my Government by cable," said the Russian; "the Emperor gives his consent to the cession." Then he offered to sign the treaty on the following day. "Why wait till to-morrow, M. Stoeckl?" said Seward; "let us make the treaty to-night." And he pushed away the card-table, put on his hat and coat, and went off to the State Department after sending messages for the clerks to come. So the treaty was signed and sealed, and Alaska changed hands for 7,200,000 dollars.¹ Such was Seward's way; he was getting better and better in his conduct of foreign affairs as time went on. But so far as the Canadian Colonies were concerned there was nothing for him to do. The British reply to the American aspirations for Canada was the British North American Act of 1867, which federated all the North American Colonies (except Newfoundland) into a Dominion.

After the Civil War British manufacturers began to compete keenly for business in the United States. A good deal of money was lost by those British people who had invested in bonds of the Southern Confederacy, or in the bonds of the individual States which comprised the Southern Confederacy. No interest was paid on the bonds after the surrender of the South, no part of the principal was redeemed: any such payment was by law declared to be an illegal act. On the other hand, investors in United States Civil War bonds at seven per cent. earned a rich reward for their faith in the cause of the North.

During the Civil War the internal and external taxes of the United States had been very high. When the war was over, the internal taxes were reduced, and the question naturally arose whether some corresponding reduction in the external taxes, the Customs duties, should not be made. So began the battle which was to go on intermittently for fifty years between the high-tariff people, who were mainly Republicans, and the low-tariff people, who were mainly Democrats. Both parties were protectionist in different degrees: it would be impossible to call it a contest between Free Trade and Protection.

¹ Rhodes, *op. cit.*, VI, 322.

In 1866 David Ames Wells, a well-known teacher and writer on scientific subjects, Special Commissioner for Revenue, drafted a tariff Bill which reduced duties on all raw materials and slightly lowered the duties on most manufactured articles. Commissioner Wells held that a high tariff did not really help anybody. At first it gave a fillip to profits and wages, but tended soon to neutralise itself through a rise in prices and costs. His Bill failed to pass the House of Representatives.

In 1870 the demand for a revision, downwards, in the tariff, became again strong. The British Government, with its finances in splendid order through Gladstone's stewardship, was interested in the question; Great Britain had enjoyed complete Free Trade for ten years, and was only anxious that the rest of the world should do the same. Strong Protectionists in the United States asserted that the movement for a downward revision of the tariff was financed by British gold, dealt out by the Cobden Club or by interested British manufacturers. There was, of course, no truth in this tale. But the British would certainly have liked to see a lower tariff enacted in the United States. However, the high Protectionists, headed by the redoubtable Horace Greeley, who for so many years moulded public opinion from the editorial chair of the New York *Tribune*, won the day. They were not exactly able to maintain the high war tariff in being, but by the Tariff Act of July 14, 1874, they secured a compromise which was markedly in their favour. The average reduction made in Customs duties was five per cent.: the duties were now about fifty-three per cent. above the scheduled price of the imported articles. There was still some ground for saying, as Wells had said in a Report of December, 1866: "The present tariff rates are of an extreme character, and any legislation in the same direction must necessarily soon reach a limit unless the country is prepared to adopt the policy of entire prohibition and commercial non-intercourse."¹ This was the policy advocated by Horace Greeley, who believed that if Americans were forced, by exclusion of foreign goods, to supply their own wants, "competition would reduce prices and we should live wholly within ourselves."²

¹ Quoted by Rhodes, *op. cit.*, VI, 331.

² *Ibid.*, p. 387. For the general question of the growth of Canada as affecting the United States, as treated in the above chapter, see *The British Empire and the United States*, by W. A. Dunning (1914), pp. 265-299.

CHAPTER XIX

THE *ALABAMA* AGAIN

In 1869 President Grant had told Sir Edward Thornton that the *Alabama* claims were the only grave question which the United States had at issue with any nation.¹

Although in many respects the diplomatic relations between Great Britain and the United States became easier as the Civil War drew to a conclusion, yet American popular opinion remained deeply incensed with the British for years after the war was over. It has been even said : " At no time since the War of 1812 had the relations between the United States and Great Britain worn so menacing an aspect as that which they assumed after the close of the Civil War." ² The termination of Marcy's Reciprocity Treaty of 1854 reopened the troublesome questions of fisheries, the navigation of the St. Lawrence, and other things. The water-boundary in the Strait of Juan de Fuca was in dispute—a remnant of the Oregon delimitation. But the most troublesome thing was the *Alabama* claims. The United States public still felt very sore about that enterprising vessel. She had caused enormous losses ; she had heartened the South ; had it not been for the *Alabama* (so some people said) the resistance of the South would have collapsed after the battle of Gettysburg.

The United States Government has always been practical and sensible in its attitude towards money. It was so with regard to the *Alabama* claims. Without being over-anxious or using threats, it was firmly insistent, and showed no signs of ever relinquishing these claims or diminishing the pressure. Nobody can say that the United States was impatient, for she waited ten years to have the claims settled, and during these ten years the ghost of the departed *Alabama* was poisoning Anglo-American relations.

Mr. Adams had from the first insisted that reparation was due.

¹ Thornton to Secretary of State for Foreign Affairs, December 7, 1869 (F.O. America, 1163).

² Moore, *International Arbitrations*, I, 495.

On October 23, 1863, he had expressed the official attitude of the United States : " I am directed to say there is no fair and equitable form of conventional arbitrament or reference to which they will not be willing to submit." ¹ Lord Russell's view was that the only points which could be argued were, firstly, whether the British Government had acted with " due diligence " in the maintenance of its neutrality, and, secondly, whether the British Law Officers had properly understood the Foreign Enlistment Act by which they were bound. These points, in the opinion of Her Majesty's Government, could not be adjudged by any foreign State ; nor indeed by anybody outside Great Britain ; but the British Government was willing to submit to a commission " all claims arising during the late Civil War, which the two Powers shall agree to refer to the commission " (1865). Mr. Seward declined this offer, and at the same time informed Mr. Adams confidentially that, so far as he could see, the United States would never abandon its claims.

One result of all this was that the United States Government began to reconsider its own neutrality laws ; the *Alabama* was going to prove a bad example next time Great Britain became involved in a foreign war. It was clearly to the British interest to have the whole matter cleared up.

The Times correspondent in the United States wrote on October 16 :

If the Neutrality Laws are repealed, or, as it is pretended, " assimilated " to those of Great Britain, . . . the Government here will no longer have power to interfere with the movements of the Fenians. It will indeed have destroyed all pretensions to its claims on account of the *Alabama*, but anyone will be at liberty to fit out vessels of war, or to sell arms or otherwise aid the Fenians in any enterprise they may undertake. " We shall serve you," people say, " precisely as you served us during the war." ²

The Liberal Government of Lord John Russell had fallen in June, 1866. *The Times* correspondent in America lamented the " open wound " ³ which the Government had left behind it in the relations with the United States. Lord Derby was now at the head of a Conservative Government, in which the Secretary of State for Foreign Affairs was his son, the statesmanlike Lord Stanley, a man with a European outlook and a great belief in diplomacy by conference.

¹ Moore, *op. cit.*, I, 496.

² *The Times*, October 30, 1866, p. 7.

³ *Ibid.*

He was ready to have arbitration on the pecuniary claims ; but Seward still held out for arbitration on the question whether Great Britain had been perfectly neutral or not. It was at this stage of the controversy that Mr. Adams resigned from the London Mission which he had filled with so much distinction since 1861. He was succeeded by Mr. Reverdy Johnson, a highly respected lawyer and politician from Maryland. Mr. Johnson entered into careful negotiations with Lord Stanley, and, after the fall of the Conservative Ministry, with Lord Clarendon, Secretary of State for Foreign Affairs in Mr. Gladstone's Liberal Cabinet. Of Lord Clarendon, Mr. Gladstone wrote at a later date, he " had already held with credit and success for a lengthened period the seals of the Foreign Office. . . . He was a man of free and entertaining and almost jovial conversation in society. . . . Only eighteen or twenty months remained to him [he died in June, 1870]. They were spent in useful activity." ¹ One of the useful things that he did in this last span of his life was to conclude the Johnson-Clarendon Convention of January 14, 1869. The matters in dispute (Civil War claims) were to be referred to a board of four Commissioners (two British, two American) with provision for appointing an umpire. The Convention, however, was stillborn.

Mr. Seward in one of the last of his admirable dispatches warned Minister Johnson that " the confused light of an incoming administration is already spreading itself over the country, as usual rendering the consideration of political subjects irksome, if not inconvenient " (February 10, 1869). The United States was passing through one of the ambiguous periods which recur at intervals of four or eight years between the months of November and March, when one President is preparing to quit office while the President-elect is getting a Cabinet together. On March 4 General Grant was inaugurated. He chose as his Secretary of State Hamilton Fish, a well-born and rich gentleman of New York, sixty years of age, who had been Governor of the State and also Congressman and Senator. Fish was averse from taking office, but having consented to act, he put his whole energy into the work. One of the first things that met him was the rejection of the Johnson-Clarendon Convention by the Senate (April 13, 1869). By this time Reverdy Johnson had resigned from the London Legation, and was getting ready to depart. He passed on to Lord Clarendon a message from Fish, who expressed a

¹ Morley's *Life of Gladstone* (ed. 1904), II, 254.

wish that the *Alabama* question, in spite of the rejection of the Convention, might still be amicably settled. Lord Clarendon, as he could be counted on for doing, showed no ill-feeling, but replied in friendly manner. He noted, however, that Mr. Sumner's speech, made in the Senate on April 13, 1869, had had an unfavourable effect, both upon the Government and people of Great Britain. It was scarcely surprising that this should be so.

Mr. Sumner was the highly influential and respected Chairman of the Senate Committee on Foreign Relations. He had held this distinguished position since 1861, and had shown moderation, strength and dignity. He had been of the greatest value to Lincoln's Government during the anxious times of the Civil War. Now he cast prudence to the winds, and stepped forth with a speech which (to borrow a later word) can only be called Jingoistic. The leading American historian of his country's diplomacy calls it "Sumner's madness."¹ Mr. Sumner himself thought that it was "kindly and pacific in tone," because it had a mild peroration.² Mr. Sumner prepared the speech carefully. He began by stating that the Americans had suffered for years under a "massive grievance." He then went through the grounds of complaint: firstly, the concession to the rebels of "ocean belligerence on which all depended"; secondly, "the negligence which allowed the evasion of the ship"; thirdly, "the open complicity which, after this evasion, gave her welcome, hospitality and supplies in British ports. Thus, her depredations and burnings, making the ocean blaze, all proceeded from England, which by three different acts lighted the torch." He concluded that the United States had a claim against Great Britain for 15,000,000 dollars, on account of the loss of private citizens. But in addition he put the losses to the nation, involved in the rise of the rate of marine insurance, the decrease in the tonnage of ships under the American flag, and other losses, at a sum well over 110,000,000 dollars; finally, the incalculable national loss "owing to the prolongation of the war."

If through British intervention the war was doubled in duration, or in any way extended, as cannot be doubted, then is England justly responsible for the additional expenditure to which our country was doomed; and whatever may be the final settlement of these great accounts, such must be the judgment in any chancery which consults the simple equity of the case.

Mr. Sumner by these demands exacerbated a question which the

¹ Fish, *op. cit.*, p. 342.

² Rhodes, *op. cit.*, VI, 450.

diplomatists by their secret negotiations were in train to settle. But this was not the worst of Mr. Sumner's interventions. He was to be responsible a little later for demanding that, as a condition of the settlement of the *Alabama* claims, the British Government should cede Canada to the United States.¹

After the rejection of the Johnson-Clarendon Convention in the Senate and Mr. Sumner's speech the diplomatists again took up the task. In succession to Reverdy Johnson, the eminent historian J. L. Motley was sent to London, with carefully drawn instructions from Secretary Fish. Mr. Motley was scholarly, learned, enthusiastic; his noble history of the Dutch Republic has every virtue except, perhaps, intellectual detachment; he identifies himself almost too wholeheartedly with one side. Perhaps in England he showed the same tendency just a little, and appreciated too keenly his country's legitimate grievance. By his interview with Lord Clarendon on June 10, 1869, Mr. Motley somehow left the British Foreign Secretary with the impression that Sumner's unfortunate speech was the basis of American policy; whereas, as a matter of fact, the instructions which Fish had given to Motley were of a most conciliatory kind.²

Motley was not recalled at once, but after a year he was gracefully withdrawn. He never understood the cause of his recall, and is said never to have recovered from the disappointment. He died in 1877 in Dorsetshire, at a house of his daughter, Lady Harcourt.

A good many letters passed between the Foreign Office and the State Department concerning the Civil War claims. The Prime Minister, Mr. Gladstone, who was a peaceful man and capable of enduring any amount of work, began to take an active part in the negotiation. "I grieve to trouble you with so much manuscript," Lord Clarendon wrote to him, "but I don't venture single-handed to conduct a correspondence with the United States. All this correspondence can do nothing but harm."³ Secretary Fish was of the same opinion too: he wanted the negotiation settled by direct conference in Washington. But in order that such a conference could take place, it was necessary that the views of both parties should be made to approximate a little more closely. The chasm

¹ Cp. *A Plan for the Union of British North America and the United States*, 1866, by T. C. Blegen, in *The Mississippi Valley Historical Review*, IV, 470.

² Instructions given to Moore, *op. cit.*, I, 513-16.

³ March 17, 1870. Morley, *Life of Gladstone*, II, 399.

was breached largely through the agency of Sir John Rose, a Canadian Scotsman with a high talent for diplomacy. Being known to the public men of Great Britain and the United States, himself occupying a position in the Canadian Cabinet, he could with propriety act as an intermediary. "He was shrewd, wise, well read in the ways of men and the book of the world, and he had the virtue of being pleasant." ¹ Her Majesty's Government would have liked him to undertake the negotiations officially, but Sir John thought he would do better if he kept his independence. He paid visits to the Foreign Office and the State Department in 1869 and 1870; and in January, 1871, at Washington, he brought about an agreement for a conference.

By this time Lord Clarendon was no longer Secretary of State for Foreign Affairs. He died on June 27, 1870, about a month before the Franco-Prussian War started. Lord Granville, an accomplished nobleman, who knew the business of the Foreign Office well, and who was the Prime Minister's greatest friend,² took over the seals of office. When the Rose-Fish negotiations had been successfully completed, Gladstone and Granville at once appointed the British members of the Commission: President, Lord de Grey, better known later as the Marquis of Ripon; Sir Stafford Northcote (a Conservative statesman); Sir Edward Thornton, British Minister at Washington; Sir John Macdonald, the first Prime Minister of the Dominion of Canada; and Mountague Bernard, Professor of International Law in the University of Oxford. The appointment of Sir Stafford Northcote, a leading member of the Opposition, was a courageous act, although everybody knew that the choice was excellent. Lord Granville wrote to Mr. Gladstone: "I asked Northcote; his eyes twinkled through his spectacles. But he said he must ask Lady Northcote, and requested permission to consult Dizzy. The former consented, ditto Dizzy, which looks well." The American members of the Joint High Commission were Secretary Fish himself, who "from beginning to end was the inspiring, regulating and dominating mind" ³; Samuel Nelson, the eldest Justice of the United States Supreme Court; Robert C. Schenck, who had been appointed Minister to the Court of St. James in place of Motley, but who had not yet gone to his post; Ebenezer R. Hoar, of Massachusetts; and George H. Williams, of Oregon.

¹ Morley, *op. cit.*, II, 400.

² See Morley's *Life of Gladstone*, III, 462.

³ Moore, *op. cit.*, I, 536.

The Commission sat for two months (March 8 to May 8, 1871), during which time it held thirty-seven sittings. A feature of the Conference was that the protocol which was kept only contained a record that the Commissioners met on such and such a day, and then adjourned: the object of this method of procedure was that "as the negotiations went on the process of give and take, in mutual concessions, they should not be impeded by previous recorded action."¹ Everything went well, although the British Commissioners were a little irked by the frequent cable-messages (a comparatively new feature in Anglo-American diplomacy) which came through from Downing Street. Sir Stafford Northcote, who was something of a wit, wrote in reference to Lord de Grey, the head of the British Commission:

The U.S. Commissioners give him some trouble;
He don't blame them for *that*, it's their duty, you know;
And his Cabinet colleagues, they give almost double—
They do it from love, and he likes it—so, so!

If, officially, the United States Commissioners showed a pertinacious attitude towards the British, unofficially there were no troubles. "The personal relations of Lord de Grey and his brethren with their American colleagues were excellent. They worked hard all day, and enjoyed Washington hospitality in its full strength every night."² The trail of Mr. Sumner was found in the American proposals, but it made no trouble. Not content with having made the celebrated speech of April 13, 1869, Mr. Sumner drafted a memorandum, dated January 15, 1871, for the consideration of Secretary Fish. He pointed out, among other things, that:

The greatest trouble, if not peril, being a constant source of anxiety and disturbance, is from Fenianism, which is excited by the proximity of the British flag in Canada. Therefore, the withdrawal of the British flag cannot be abandoned as a condition or preliminary of such a settlement as is now proposed. To make the settlement complete the withdrawal should be from this hemisphere, including provinces and islands.³

¹ Moore, *op. cit.*, I, 537.

² Morley, *Life of Gladstone*, II, 401.

³ Moore, *op. cit.*, I, 525-6. It is now known that Sir Edward Thornton had already, in 1869, reported to the Foreign Office that Sumner was under the influence of a Nova Scotia Annexationist Society (Thornton to Secretary of State for Foreign Affairs, November 15, 1869 (F.O. America, 1163)).

It was not merely Canada that Mr. Sumner demanded : it was total "hemispheric withdrawal." Fish had shown this Memorandum to Sir John Rose, and, while pointing out that it was not the Government's proposal, had given him a copy of it. Without doubt it was communicated to the British Commission. In the course of the Conference, "Mr. Fish threw out a hint to Lord de Grey that the cession of Canada might end the quarrel. The English envoy contented himself with the dry remark that he did not find such a suggestion in his Instructions."¹

On May 8 the sessions were completed, and a treaty was signed. The day was bright ; the sunshine was streaming in through the large windows of the State Department. Flowers decorated the room. Everybody was in high good humour. Bancroft Davis, the secretary of the American Commission, tossed a dollar with Lord Tenterden, the British secretary, to see who should sign first ; the Englishman won. Lord Tenterden melted the sealing-wax. An old and trusted State Department clerk impressed the seals, but he was awkward and nervous (and perhaps had been drinking),² and Lord Tenterden made him worse by dropping hot sealing-wax on his fingers. The last signature was affixed at twelve minutes past eleven. Some Senators had come in to watch the historic proceeding. Although the *Alabama* negotiation had a long way to travel yet, this sealing and signing in the State Department was the foundation of modern Anglo-American friendship.

In article 1 of the Treaty of Washington the British Commissioners expressed "the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the *Alabama* and other vessels from British ports, and for the depredations committed by those vessels" ; and in order to remove every complaint, all the claims were to be referred to a tribunal of five Arbitrators, one to be appointed by each of the following Governments : the United States, Great Britain, Italy, Switzerland, Brazil.

Article 2 stated that the Arbitrators would meet at Geneva. The two Parties to the dispute were to put in a "case" with documents and official correspondence and other evidence ; and, within four months, a counter-case (articles 3, 4). From the point of view of formal International Law, the most important article was

¹ Morley, *Life of Gladstone*, I, 401.

² Moore, *International Arbitrations*, I, 546, note 3.

number 6, which stated three rules for the guidance of the Arbitrators, namely, that :

A neutral Government is bound :—

First, to use due diligence to prevent the fitting out, arming or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace ; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above. . . .

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing rules and duties.

The remarkable thing about this is that, in the view of the British Government, these rules were not part of International Law in the time of the *Alabama* ; but, in order to facilitate a settlement, Her Majesty's Government agreed that the Arbitrators should act as if the rules were binding on Great Britain in the years 1861-4. Mr. Gladstone assented with reluctance to this retroactive legislation or statement of International Law ; but Sir Roundell Palmer, M.P. for Richmond, and the leading advocate at the Bar, thought that the risk could be safely run.¹ The rules were, as a matter of fact, in conformity with the amended Foreign Enlistment Act which Great Britain had enacted for herself in 1870.

By article 11 the High Contracting Parties agreed to accept the award of the Tribunal of Arbitration as final. Each Party was to pay its own Agent and Counsel, and the remuneration of the Arbitrator appointed by it ; all other expenses of the arbitration were to be shared by the two Governments equally.

Opportunity was taken in the Treaty of Washington to settle some other outstanding matters. Article 18 referred to the Fishery Agreement of 1818, and expanded it : inhabitants of the United States were to have liberty of taking fish (except shell-fish), without restriction of distance from shore, on the coasts of Quebec, Nova Scotia, New Brunswick, and Prince Edward Island. The liberty of British fishermen to catch fish on the eastern coast of the

¹ Hansard, *Parliamentary Debates*, 1871, CCVIII, 915. Cp. *British-American Discords* (1918), p. 54.

United States north of latitude 39° was renewed. The fishery-agreement was to run for ten years. Article 26 declared that "the navigation of the river St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary of the two countries, from, to, and into the sea, shall for ever remain free and open for the purposes of commerce to the citizens of the United States." Similarly, the navigation of the rivers Yukon, Porcupine, and Stikine were for ever made free to the commerce of citizens of Great Britain. The navigation of Lake Michigan was made free to the commerce of British subjects for ten years. The dispute about the possession of the San Juan islands in the Strait of San Juan del Fuco was to be referred to the Emperor of Germany (article 34).¹ This was done, and he decided in favour of the United States.

The Treaty went through the Senate on May 24 without any difficulty. Sumner was no longer Chairman of the Committee on Foreign Relations; he had been deposed owing to the insistence of President Grant, who had quarrelled with him because Grant wished to annex San Domingo and Sumner did not. Sumner was not a danger to the Treaty of Washington. He cast his vote for it, recognizing that it gave the opportunity for gaining all that he claimed except the "hemispheric flag withdrawal." The passage of the Treaty into law was greeted with relief both in Great Britain and in America. Everybody felt that a difficult period had been gone through.

The Commissioners met at Geneva on December 15, 1871, in the *Salle des Mariages*, or, as it is more generally called, the *Salle des Conférences*. They were the Lord Chief Justice, Sir Alexander Cockburn, chosen by Great Britain; Charles Francis Adams, chosen by the United States; Count Sclopis, a distinguished Italian Senator and Jurist (chosen by Italy); Jacques Staempfli, once editor of the *Berner Zeitung*, a lawyer and former President of the Swiss Confederation (chosen by Switzerland); and Marcos Antonio d'Araujo, Baron of Itajubá, Brazilian Minister at Paris, chosen by the Emperor of Brazil. Sir Roundell Palmer was British Counsel; Caleb Cushing was the best known of the three American Counsel. The official British Agent was Lord Tenterden, Under-Secretary of State for

¹ Cp. Hansard, *Parliamentary Debates*, 1871, CCVIII, p. 910, where Mr. Gladstone described the patience of Great Britain in this twelve-year-old argument.

Foreign Affairs; the American Assistant Secretary of State, Bancroft Davis, was the Agent for the United States.

On the opening day Count Selopis was elected Chairman. In his inaugural speech he congratulated the statesmen of Great Britain and the United States upon having followed the path of peaceful settlement; they had thus given an example to Europe, where the twenty-third Protocol of the Congress of Paris had failed to prevent the Franco-Prussian War.¹

For the rest of the year 1871 the proceedings of the tribunal followed what seemed to be a natural course. But early in January, 1872, the Cabinet in London woke up, with something of a shock,² to the fact that the American case, as it was elaborately presented by Counsel, amounted to a claim, not merely for compensation for direct damages inflicted by the *Alabama* and such ships, but also compensation for all indirect, constructive and consequential loss. In effect, this constituted a claim for not merely such indirect losses as those created by the rise in the rate of maritime insurance, but also for the whole cost of the war since the battle of Gettysburg.

The fourth day of July, 1863, saw the aggressive force on land of the insurrection crushed. . . . Thus the Tribunal will be able to see that after the battle of Gettysburg the offensive operations of the insurgents were conducted only at sea through their cruisers; and observing that the war was prolonged for that purpose will be able to determine whether Great Britain ought not in equity to reimburse the United States the expenses.³

The American case is believed to have been the work of Bancroft Davis. Secretary Fish in his Instructions did not urge the American Agent to insist on claiming war-costs, but he stipulated for all the other indirect claims. Mr. Gladstone, when he received the American case, was furious, and was in favour, rather than to allow this, of breaking off the Arbitration. "Mr. Disraeli spoke of the indirect claims as preposterous and wild"; they were like the

¹ The 23rd Protocol (April 14, 1853) expressed a wish that before going to war States should submit their differences to the good offices of a friendly Power. It was invoked unsuccessfully by Lord Clarendon in 1870; see Mowat, *History of European Diplomacy, 1815-1914* (1922), p. 112.

² Hansard, *Parliamentary Debates*, 1872, CCIX, 771 (Speech of Gladstone, February 20, 1872).

³ Chapter VI of the American Case, *Parliamentary Papers*, 1872, LXIX, p. 315.

exaction of "tribute from a conquered people."¹ Mr. Gladstone replied that this was, if anything, an under-statement :

for these would be claims transcending every limit hitherto known or heard of—claims which not even the last extremities of war and the lowest depths of misfortune would force a people with a spark of spirit—with the hundredth part of the traditions or courage of the people of this country—to submit to at the point of death.²

The governing clause of the Treaty which was in question was in article 1. This stated :

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims which are not admitted by her Britannic Majesty's Government, the High Contracting Parties agree that all the said claims, *growing out of acts committed by the aforesaid vessels*, and generically known as the "*Alabama* claims," shall be referred to a tribunal of arbitration.

Mr. Gladstone said that the construction put upon this article by the British Government was "the true and unambiguous meaning of the words, and therefore the only meaning admissible, whether tried by grammar, by reason, by policy, or by any other standard."³ This was not fair to the American point of view. The Marquis of Ripon (Lord de Grey) admitted that, when he and his colleagues of the British Commission made the Treaty of Washington, he was aware of the possibility of the indirect claims being advanced on the strength of the Treaty; and that if he had insisted on a formal repudiation of indirect claims being put into the Treaty, "no treaty at all would have been possible."⁴ Lord Cairns, the British Chancellor, told Disraeli that "the Treaty justifies the American demand."⁵ Therefore the Americans, as far as the wording of the Treaty was concerned, and the circumstances in which it was negotiated, were technically justified and morally justified in advancing the indirect claims. Mr. Gladstone was therefore in the wrong when he said that the British interpretation of the Treaty was the only possible interpretation, whether tried by

¹ Morley, *Life of Gladstone*, II, 406. Cp. Speech in Hansard, *Parliamentary Debates*, 1872, CCIX, 60 ff.

² Hansard, 1872, CCIX, 86-7.

³ Hansard, *Parliamentary Debates*, 1872, CCIX, 85 (February 6, 1872). The italics given above, in article 1 of the Treaty of Washington, are my own.

⁴ Morley's *Life of Gladstone*, II, 408.

⁵ Buckle, *The Life of Benjamin Disraeli* (1920), p. 178 (January 30, 1872).

grammar, reason, policy, or any other standard. The American interpretation was justified by grammar and the history of the negotiation. It was, however, not justified by reason and policy; because if such vast, indefinite penalties as would be involved in the successful prosecution of the indirect claims were to be incurred, no nation, certainly no powerful nation, would ever go to arbitration. It would much rather take its chance in a war.

The episode of the indirect claims shows two things: firstly, the way in which statesmen in diplomatic negotiations are hampered by the demands of the public. The American Government did not wish to press the indirect claims, but it was compelled to do so by public opinion, and especially by the debates in the Senate, which constitutionally is the deciding voice in American treaty-making. Secondly, the episode shows the necessity of common sense in politics: the indirect claims were quite logical, but they were not sensible, because they eliminated the element of compromise which alone allows arbitration to substitute itself for war. But it requires a very big statesman to follow the line of common sense against the bigotry of national logic. Fortunately there was a big statesman at Geneva.

With regard to the indirect claims American historians have been almost too hard on their own country. It is true that the United States Government insisted on them, when reason and policy urged their abandonment. On the other hand, the British Government did nothing to make it easy for the Americans to give up the indirect claims. It refused anything in the nature of a settlement. On April 23, 1872, Secretary Fish wrote to General Schenck, American Minister in London, that the United States "would at any time willingly have waived the indirect claims for any equivalent."¹ The British Government would offer nothing. It could have got rid of the indirect claims by abandoning its claim to the San Juan Islands ² (which islands it lost anyhow through the Arbitrator's award of October 21, 1872).³

Some things, however, ought not to be compromised. Had the British Government agreed to bargain (however cheaply) over the indirect claims, it would have established such and similar claims as being within the recognized principles of international law. It

¹ Moore, *op. cit.*, I, 642.

² *Ibid.*, I, 141.

³ Award in *Parliamentary Papers*, 1873, LXXIV, 914-15 (*North America*, No. 9, 1873).

was probably to the interest of the whole world that such extravagances, which are the foes of legal settlement, should be negatived once and for all. The indirect claims did not enter into the *Alabama* arbitral award.

The waiving of the indirect claims by the American Government had been almost despaired of in Great Britain. Disraeli had felt almost certain that there would be war : the only hope lay "in direct and friendly application to the Government at Washington."¹ Therefore, in the end, the real victory lay with the United States, which gave up its demands, when direct and friendly application was made.

When the struggle had gone on for five months at Geneva, with endless exchange of notes from both sides of the Atlantic, Mr. Adams took upon himself the responsibility of cutting the knot, by abandoning the indirect claims : that is to say, he saw his colleagues on the Tribunal, one by one, and sounded them on a proposal for an extra-judicial declaration that on the principles of international law the indirect claims ought to be excluded from their consideration. Mr. Adams rightly remarked that in this proposal which he was going to make : "I should be assuming a heavy responsibility ; but I should do so, not as an arbitrator representing my country, but as representing all nations." It was a great act of the great American, for without it the Treaty of Washington was absolutely dead. Lord Tenterden, the British Agent, in a report to the Cabinet said : "I cannot conclude this part of the memorandum without saying that the dignity, tact, self-command and moderation with which Mr. Adams discharged his functions as arbitrator, did honour to his country."

The Arbitrators met on June 19 (1872), and Count Sclopis made a declaration that the indirect claims "do not constitute upon the principles of international law applicable to such cases good foundation for an award of compensation or computation of damages between nations, and should upon such principles be wholly excluded from the consideration of the tribunal in making its award." So the case, which had been interrupted, proceeded. Mr. Bancroft Davis, the American Agent, was able to telegraph to the State Department on June 27 : "British argument filed. Arbitration goes on."²

¹ Buckle, *Life of Benjamin Disraeli*, V, 178.

² Moore, *op. cit.*, I, 646-7.

Ten weeks more were required to finish the case. On September 14, the Arbitrators made and signed their Award. The chief point to be settled concerned the *Alabama*. The Tribunal unanimously found :

That the British Government failed to use due diligence in the performance of its neutral obligations ; and especially that it omitted, notwithstanding the warnings and official representations made by the diplomatic agents of the United States during the construction of the said number "290," to take in due time any effective measures of prevention, and that those orders which it did give at last, for the detention of the vessel, were issued so late that their execution was not practicable.

With regard to the vessel *Florida* Great Britain was also found to be liable (Sir Alexander Cockburn dissenting) ; claims in respect of other ships were decided in the negative. The damages were thus settled :

And whereas, in accordance with the spirit and letter of the Treaty of Washington, it is preferable to adopt the form of adjudication of a sum in gross, rather than to refer the subject of compensation for further discussion and deliberation to a board of assessors, as provided by article 10 of the said Treaty,

The Tribunal, making use of the authority conferred upon it by article 7 of the said Treaty, by a majority of four votes to one, awards to the United States a sum of 15,500,000 dollars in gold, as the indemnity to be paid by Great Britain to the United States, for the satisfaction of all claims referred to the consideration of the Tribunal.

The indemnity, according to article 8 of the Treaty of Washington, had to be completed within twelve months. The British Government paid for it in United States six per cent. bonds, due for redemption in June, 1873, which it purchased through a group of bankers.

CHAPTER XX

INACTIVE RELATIONS

After the *Alabama* Arbitration the relations of Great Britain and America were of an uneventful nature for twenty years, until the second administration of Mr. Cleveland began in 1893.

In February, 1874, Mr. Gladstone advised the Queen to dissolve Parliament. At the ensuing General Election the Liberals were severely defeated. Mr. Gladstone resigned. Mr. Disraeli became Prime Minister, and Lord Derby (the Lord Stanley of 1867), Secretary of State for Foreign Affairs. "Lord Granville was able to hand over the care of the Foreign Office to Lord Derby under favourable conditions. The permanent obstacle to the existence of good relations between Great Britain and the United States had been removed, and Europe was at peace."¹ As a matter of fact, the condition of Western Europe—the *armed peace* that prevailed after the defeat of France in 1870-1—was not much to brag about, and the Liberal Government had not done very much to help it. But British-American relations had been well handled on both sides, by Lord Granville and by Secretary of State Fish. The urbanity and judiciousness of Lord Granville, even in his retirement, remained an asset in British-American relations. "Granville the polite," fond of hunting and racing, a member of the Jockey Club, of Brooks's, and the Travellers', "full of charm and tradition," as a French observer called him, kept strange political company: that is to say, men of either political party, as well as diplomatists of every nation, might be found at his house."² Countess Granville's "at homes" in Carlton House Terrace took the place of the famous gatherings in the previous decade at Cambridge House, Piccadilly (Lady Palmerston's), which Henry Adams described. Those meetings of statesmen, diplomatists, and women counted for something: the *Times of Philadelphia* described Lord Granville

¹ Fitzmaurice, *Life of Lord Granville* (1905), II, 117.

² Quoted by Fitzmaurice, *op. cit.*, II, 121.

as moving among them like a sphinx—silent, impenetrable, and self-contained—always smiling and debonair ; ever courteous and refined, but like a Foreign Office sponge, absorbing every drop of intelligence, while giving none in return.”¹

Lord Granville's hospitality was not limited to Bruton Street (where his house was before 1873), or Carlton House Terrace (whither he removed in that year) ; he was also Lord Warden of the Cinque Ports. Lord Russell had appointed him to that post, rendered vacant by the death of Lord Palmerston, in 1865. The letter in which Lord Russell (at that time Prime Minister) offered the post to Lord Granville is characteristic of those not very distant but still good old days : *As you have no place on the sea, perhaps you would like to be Warden of the Cinque Ports. The salary is nil and the expense something.* So Lord Granville became the life tenant of Walmer Castle. James Russell Lowell, who had been appointed American Minister to the Court of St. James in 1880, received an invitation to Walmer in 1881 ; “you are the most engaged man in England,” wrote Lord Granville. The poetic diplomatist went, and on leaving wrote in the Visitors' Book :

The most engaged man he calls *me*,
A kind of Mormon fate presaging ;
I with more verity call *he*
Of all the most engaging !²

The Disraeli (or Beaconsfield) Government, which lasted until 1880, was one of the strongest that had been in Great Britain for years. It had an active domestic, colonial, and foreign policy. Europe was “difficult” ; the Eastern Question was very pressing—there were hostilities in the Balkans from 1876 to 1878, and the Congress of Berlin in the latter year came at the end, not merely of a Russo-Turkish War, but of a Russo-British war-crisis. It was therefore fortunate that the relations of Great Britain and America did not require a great deal of the attention of the Foreign Office.

The State Department was equally happy in carrying on what was mainly a quiet routine intercourse with Great Britain. President Grant and Secretary of State Fish ended their official career with the expiring of the Presidential period on March 4, 1877.

On the other side of the Atlantic public attention was almost wholly concentrated upon domestic affairs until the election of

¹ Fitzmaurice, *op. cit.*, II, 127.

² *Ibid.*, 131.

James A. Garfield as President, in November, 1880, or rather until his coming into office in March, 1881. Thus, in Great Britain, a period of fruitful domestic activity at home, and of an external policy almost exclusively directed towards the colonies and Europe (when Lord Beaconsfield was Prime Minister), coincided with the period in the United States when the eyes of the Americans were turned almost exclusively inwards.

General Grant's second term as President came to an end in March, 1877. With this year there ended the main difficulties of the Reconstruction which followed the War of Secession of 1861-5. Grant was a fine soldier, and an honest, public-spirited man. As President he was capable of facing responsibility, and of acting, on occasion, with courage, vision and decision. But his career, his tastes, and his abilities did not fit him for political life : unscrupulous men took advantage of him in innumerable ways ; the administrative machine got out of hand. " The high-water mark of corruption in national affairs was reached during Grant's two administrations." ¹ But in spite of this the American social system was sound and real progress was made ; the wounds of the War of Secession were effaced.

What a change between 1850 and 1877 ! A political and social revolution had been accomplished ; and the minds of men were attuned to the mighty change. The United States of 1877 was a better country than the United States of 1850. For slavery was abolished, the doctrine of secession was dead, and Lincoln's character and fame had become a possession of the nation. From 1877 on is seen a growing marvel in national history ; the reunion of hearts which gives to patriotism the same meaning at the South as at the North.²

The President in office from 1877 to 1881 was a respectable Republican, Rutherford B. Hayes. He was a Cincinnati lawyer, who had served in the United States army in the Civil War with conspicuous gallantry, and had been seriously wounded. As President he set his face against administrative corruption, and began the campaign which in time purged the Government of its worst elements. Hayes' Secretary of State was William M. Evarts, an able New England lawyer who had been one of the United States counsel at the Geneva Arbitration. On the expiry of his term as President, Hayes retired to his home in Fremont, Ohio, where he carried on much unostentatious public work until his death in 1893.

¹ Rhodes, *op. cit.*, VII, 191.

² *Ibid.*, 291.

When Hayes retired, General Grant was ready, although not anxious, for a third term of office. On completing his second term, in 1877, he had gone off on holiday around the world, visiting first England, where the Queen and all the leaders of society, as well as civic authorities, gave him a splendid reception. When he came back, it was found that a third nomination for the Presidency would probably split the Republican Party. So Grant, instead of pressing his claim, worked for James A. Garfield, who was eventually elected. Garfield was another Ohio man, who by industry and integrity went literally from boyhood in a log cabin to middle age in the White House. He, too, had distinguished himself, although not by so many feats as the fighting Hayes, in the Civil War. Unfortunately, Garfield was shot by a disappointed office-seeker on July 2, 1881. The Vice-President, Chester A. Arthur, who succeeded him, proved to be a very useful administrator, and well carried on Garfield's work. Arthur inherited (although he kept him for only five months) James G. Blaine, the Secretary of State.

Between the time of the *Alabama* Arbitration and the arrival of Blaine there was nothing but routine business between the British and American Governments. The Russo-Turkish War of 1877-8 caused a little commotion in the United States. Russian officers arrived in order to purchase American vessels for cruisers.¹ When it appeared possible or probable that Great Britain might go to war with Russia, the Americans began to talk of changing their Navigation Acts, in order that they might be able to purchase British vessels which, they believed, would be thrown on the market and sold at half-price.¹ General Butler, whose proclamation at New Orleans had aroused Palmerston's indignation, was said to be legal adviser to the Russian agents. He used the Gettysburg anniversary to make a very anti-British speech.²

Blaine was a sort of modern Henry Clay, a great public figure, strong, masterful, and a candidate likely to get the Republican vote at almost any presidential election, and yet never getting the coveted office. One day, in 1868, when Blaine was thirty-eight years old, walking with a friend through the vast rotunda, under the great dome, at Washington, he alluded to the death of Thaddeus Stevens, one of the leaders of the Republican Party.

¹ Thornton to Lord Carmarthen, May 27, 1878 (F.O. America, 1648).

² Thornton to Carmarthen, June 3, 1878 (F.O. America, 1648).

Mr. Blaine said : "The death of Stevens is an emancipation for the Republican Party. He kept the party under his heel."

His friend replied : "Whom have you got for leaders left ?"

Blaine said : "There are three young men coming forward. There is a young man who will be heard from yet." He pointed to Allison, who happened to be approaching. "James A. Garfield is another."

There was a little pause, and his friend said : "Well, who is the third ?" Blaine gazed straight up into the dome, and said : "I don't see the third."¹

Mr. Blaine became Speaker of the House of Representatives next year.

This man, whom his friend Garfield made Secretary of State, was a journalist of the State of Maine, and a member of Congress. As a young man he had been a teacher, with a special predilection for historical studies. His knowledge of history, his experience in Congress, his wide range of outlook as a journalist, made him a Secretary, who could lead the State Department out of the merely routine or traditional policy of the post-Civil War period. He made a statesmanlike effort to bring the system of comity into the affairs of the United States and Latin America, by summoning a congress of all American States at Washington on November 29, 1881 ; but the plan was abandoned after his retirement in December. In the war which Chile and Peru were engaging in for the control of the Tacna-Arica nitrate fields, Blaine attempted to intervene with good offices. In this again he failed to achieve results before he retired at the end of 1881. In his correspondence, however, with Great Britain over the Panama Canal question he restarted an old controversy, which in the next thirty years was slowly but satisfactorily solved.

By the Treaty of 1846 with New Granada (or Colombia) the United States had guaranteed the neutrality of the Isthmus of Panama, and had also guaranteed the sovereignty of New Granada over the Isthmus. By the Clayton-Bulwer Treaty of 1850 the United States and Great Britain agreed that neither country would exercise exclusive control over any canal which should be constructed across Nicaragua or Panama, nor would either party assume any dominion over any part of such territory ; and that the said canal should always be neutral. In the five years following the conclusion of this

¹ *Autobiography of Seventy Years*, by George F. Hoar (1903), I, 239-40. Cp. Rhodes, *op. cit.* (ed. 1920), I, 239. Mr. Rhodes slightly paraphrases Hoar's version.

treaty there had been some controversy about the exact interpretation of it ; but after 1855 practically nothing more was heard about it until the Suez Canal was opened. This happened in 1869, and naturally attracted attention to the subject of another possible interoceanic waterway, the projected canal across Central America.

In 1876 an association was formed in Paris to promote the design for a ship-canal from the Caribbean Sea to the Pacific Ocean ; and in 1878 Lieutenant L. N. B. Wyse, of the French Navy, acting for the Paris association, obtained a concession from the Government of Colombia for the construction of a canal across Panama. In 1879 the Panama Canal Company, a private corporation organised under French law, was established, mainly through the efforts of Count Ferdinand de Lesseps, the chief promoter of the successful design for a Suez Canal. The Panama Canal Company purchased the Wyse Concession, although it did not actually commence work on the Isthmus until nearly ten years later. Meanwhile the Panama Canal Company had no sooner been established than the State Department at Washington took up the question. In 1880 President Hayes stated, in a message to Congress, that "the policy of this country is a canal under American control." He and his Secretary of State, Evarts, had apparently forgotten the Clayton-Bulwer Treaty ; so, it seems, had President Garfield and Secretary of State Blaine next year. Blaine saw, from statements in the European Press, that the Panama Canal, if it could be constructed by the Panama Canal Company under the Wyse Concession, would probably be guaranteed by the European Powers. The Suez Canal, which a private corporation had constructed, was under a European guarantee. This was quite in accordance with the Clayton-Bulwer Treaty, in which, by article 6, Great Britain and the United States agreed to invite friendly States to enter into the treaty-stipulations. The correspondence that now ensued between the State Department and the Foreign Office is interesting as showing the attitude of the British Government. This attitude was simply that Great Britain had by contract certain rights, and that the other party to the contract was bound, as a matter of course, to observe these rights. Great Britain employed no menaces and made no quarrel ; simply, *there* were the British rights, *there* was the Treaty. As this view regarding international contract is also that of the United States Government, the two Governments

were certain, sooner or later, to agree. Meantime the Blaine-Granville correspondence was initiated. In Great Britain, the Beaconsfield Government had fallen, the Earl of Beaconsfield himself had died, and Mr. Gladstone had formed a Cabinet with Lord Granville as Secretary of State for Foreign Affairs.

On June 24, 1881, Blaine sent a dispatch to James Russell Lowell, who was United States Minister to the Court of St. James. In this dispatch, which was for communication to the Foreign Office, Blaine drew attention to the United States Treaty of 1846, with Colombia, guaranteeing the perfect neutrality of the Isthmus and of any interoceanic communications that might be constructed upon or over it. "In the judgment of the President," continued Blaine, "this guarantee, given by the United States of America, does not require reinforcement, or accession, or assent, from any other Power." Mr. Lowell was empowered, "if the foreshadowed action of the European Powers should assume tangible shape," to bring the Treaty of 1846 to the notice of Lord Granville,

and to intimate to him that any movement in the sense of supplementing the guarantee contained therein would necessarily be regarded by this Government as an uncalled-for intrusion into a field where the local and general interests of the United States of America must be considered before those of any other Power, save those of the United States of Colombia alone.

In language strongly reminiscent of the "Monroe Message" Blaine pointed out that: "The President deems it due to frankness to be still more explicit on this subject." A general, international guarantee of neutrality could not be entertained for a moment: "During any war to which the United States of America or the United States of Colombia might be a party, the passage of armed vessels of a hostile nation through the canal at Panama would be no more admissible than would the passage of armed forces of a hostile nation over the railway lines joining the Atlantic and Pacific shores of the United States or of Colombia." He pointed out in conclusion that the Great European Powers had repeatedly united in agreements to guarantee the neutrality of adjacent areas, such as Luxembourg, Belgium, Switzerland, and parts of the Orient, and that "the United States has never offered to take part in such agreements, or to make any agreements supplementary to them." In return for this self-sacrificing attitude, the United States expected

the European Powers to keep their political system away from the shores of America.¹

One of Mr. Blaine's remarks in this dispatch was that the United States Government had "no intention of initiating any discussion" upon the question of the Isthmus. Lord Granville took advantage of this statement to let the dispatch lie over the months of summer and into autumn. The work of the Foreign Office was congested with the labour of getting Turkey to transfer Thessaly to Greece; besides there was the pheasant-shooting season, which always began on October 1. On November 10, however, Lord Granville was able to attend to the dispatch and to assure the State Department that Her Majesty's Government "have not failed in the meanwhile to bestow upon it all the consideration to which the importance of the subject gives it a claim." He concluded: "I should wish, therefore, merely to point out to you that the position of Great Britain and the United States with reference to the canal . . . is determined by the engagements entered into by them respectively in the Convention which was signed at Washington on the 19th April, 1850, commonly known as the Clayton-Bulwer Treaty; and Her Majesty's Government rely with confidence upon the observance of all the engagements of that Treaty."

In his reply to this (dated November 19, 1881), Secretary Blaine started from very firm ground. He acknowledged the existence of the Clayton-Bulwer Treaty, and quoted its essential words. He then pointed out (what was quite true) that the Treaty was thirty years old, and was made under conditions which had ceased to exist. New conditions had arisen which required, "in the judgment of the President, some essential modifications in the Clayton-Bulwer Treaty."

All this was perfectly correct, so far as it went. But Secretary Blaine omitted to say (a mistake which his distinguished successors at the State Department did not make) that new conditions are a ground for modifying an old treaty *by arrangement with the other Contracting Party*. Instead of saying this, Blaine pointed to Britain's control of the route to India (by fortifying Gibraltar, Malta, Cyprus,² Aden, and Perim), and drew a parallel between this and measures which the United States might take for "the protection of her own not distant shores," and for "the absolute control of the great

¹ *Parliamentary Papers*, 1882, LXXX, p. 55 ff.

² In point of fact, Cyprus was not fortified.

waterway which shall unite the two oceans.” More than this, he bluntly stated that in the case of hostilities threatening the Pacific Coast, the United States would simply disregard the restrictions of the Clayton-Bulwer Treaty :

The Government of the United States would feel that it had been unfaithful to its duty, and neglectful towards its own citizens, if it permitted itself to be bound by a Treaty which gave the same right through the Canal to a warship, bent on an errand of destruction, that is reserved to its own navy sailing for the defence of our coast, and the protection of the lives of our people.

At this astonishing and unique assertion by an American statesman that military necessity permits the breach of any treaty-obligation, the Foreign Office must have seen that the Lord had committed their antagonist into their hands. Mr. Blaine was on firmer ground when he concluded the dispatch, not with a notice of denunciation of the Treaty, but with a request “that the modifications desired by the United States ” would be “conceded in the same friendly spirit in which they were asked.”¹

Naturally Lord Granville had no difficulty in replying to this dispatch, for there was not, and never has been, any difference between the British and American Governments with regard to the observance of treaties, although there has been occasionally a difference of view about the interpretation of them.

In two dispatches (dated January 7, and January 14, 1882) Lord Granville pointed out to the State Department (1) that, if the Suez Canal were to be brought in as an analogy, “the Navy Department of the United States must be well aware that Her Majesty’s Government have never sought to bar or even to restrict the use of the Canal by the naval forces of other countries ”; (2) that, as regards the argument of changing circumstances, “the Treaty of 1850 was concluded (as is declared in the 8th article) with the desire ‘not only to accomplish a particular object, but also to establish a general principle ’ ”; (3) that, while (as Mr. Blaine stated) differences existed with regard to the interpretation of the Treaty, Lord Clarendon and Mr. Dallas had negotiated a convention for the settlement of these differences in 1856, but the United States Senate had rejected it. These differences (where the Treaty referred to Central American States) had, as a matter of fact, Lord Granville went on, been cleared up by Conventions made between Great

¹ *Parliamentary Papers*, 1882, LXXX, p. 67.

Britain and the Central American States, so that President Buchanan, in his message to Congress, on December 3, 1860, said : " The discordant constructions of the Clayton-Bulwer Treaty between the two Governments, which at different periods of the discussion bore a threatening aspect, have resulted in a final settlement, entirely satisfactory to this Government."

By the time these last two notes were written Mr. Blaine had ceased to be Secretary of State ; Frederick T. Frelinghuysen, a member of an old New Jersey family, and a good lawyer, succeeded him. Sir Edward Thornton, who had been British Minister at Washington since 1867, was made Ambassador at St. Petersburg in 1881 ; his place at Washington was filled by Mr. Lionel Sackville-West. Taking up the Canal controversy, Mr. Frelinghuysen sent to Lowell in London, for communication to Earl Granville, a dispatch on May 8, 1882. He pointed out that by the Treaty with New Granada, 1846, the United States had the exclusive right of protecting the interoceanic railroad. This system had been in existence for thirty years.

During that period Great Britain has carried to a successful result the wars of the Crimea and Indian Mutiny ; France has three times convulsed Europe with strife ; a conflict between Russia and Turkey has changed the face of the Ottoman Empire ; thrones have crumbled ; Empires have been constructed ; Republics have arisen, while on this continent the most remarkable Civil War in history has occurred, and, at the same time, the Emperor of the French was lending his active support to an aspirant for Imperial honours in the neighbouring Republic of Mexico. Within that period almost every form of war and strife has taken place that would seem to make especially necessary the neutralisation of the isthmus, and yet the trains of the Panama Railroad have run from ocean to ocean peacefully, and with no other interruption than what has come from the rare turbulence of the local population.

So much for the facts of the period. As for the theory on which the position of the United States Government was based, Mr. Frelinghuysen stated :

The President believes that the formation of a Protectorate by European nations over the isthmus transit would be in conflict with a doctrine which has been for many years asserted by the United States. This sentiment is properly termed a doctrine, as it has no prescribed sanction, and its assertion is left to the exigency which may invoke it. . . . It is not to be anticipated that Great Britain will controvert an international doctrine, which she suggested to the United States, when

looking to her own interest, and which, when adopted by this Republic, she highly approved.

The Secretary then passed to the Clayton-Bulwer Treaty itself, and contended that it referred only to a canal to be built under a particular concession granted by Nicaragua in 1849. An American Company was actually formed to exploit this concession, and a line of steamers had been operated for some years between New York and San Francisco ; but the expedition of the famous American filibuster, William Walker, into Nicaragua (1855-7), had, as Mr. Frelinghuysen tersely said, "terminated this line."

Lord Granville, in his reply, through Mr. West, dated December 30, contended (1) that the Government of the United States could not appeal from the more recent Clayton-Bulwer Treaty, which they had made themselves, to their Treaty of 1846 ; and (2) that the Clayton-Bulwer Treaty could not be taken as referring only to the canal-project of 1849 (article 1) because article 8 extended its principle "to any other practicable communications . . . which are now proposed to be established by way of Tehuantepec or Panama." Mr. Frelinghuysen had also stated that the Clayton-Bulwer Treaty was voidable, because Great Britain, having debarred herself from making fresh colonies in Central America, had since then converted the "Settlement" of British Honduras into a "Colony." This argument Earl Granville refused to take seriously. He concluded by warmly endorsing what Mr. Frelinghuysen had himself said : "That the diversity of opinion which now exists will not in any wise impair the good understanding happily existing between the people and the Governments of the United States and Great Britain."

The correspondence was continued to the end of 1883 and then stopped. It was not fruitless, however. On the contrary, it left the British contention quite clear and really unimpaired : namely, that the Clayton-Bulwer Treaty could not by any argument admit the United States to exclusive control of the interoceanic canal. This result cleared the way for the later and successful negotiations, not to explain away the Treaty, but to supersede it by another.

CHAPTER XXI

CLEVELAND

Stephen Grover Cleveland, with whom the modern "world history" of the United States can be truly said to begin, became President in March, 1885. He was born in 1837, the son of a Congregational pastor in New Jersey. He never received the coveted University education, but served instead first in a New York "store," and later as clerk in a lawyer's office in Buffalo. Stubbornness and a persistent desire for education seem to have been his most prominent characteristics at this time. In January, 1882, he became Mayor of Buffalo, the "Veto Mayor," as he came to be called owing to his habit of vetoing all proposals that appeared to involve municipal extravagance or corruption. In November he was elected Governor of New York, and, although a Democrat, won the approbation, as a reformer, of an earnest young Republican member of the Assembly, Theodore Roosevelt. In the presidential election of November, 1884, he obtained the Democratic nomination.

Cleveland's opponent in this election was James G. Blaine, the brilliant and magnetic leader of the Republicans. But Blaine's name had been connected with scandals about railway stock, although nothing had ever been proved against him. The purists among the Republicans, especially the distinguished diplomatist and former Secretary of the Interior, Carl Schurz, threw their weight on the side of the reforming Democrat; and so Cleveland won the election.¹ He won on the reiterated headline from one of his campaign speeches: "Public office is a public trust." The Independent Republicans who supported Cleveland gained the cant name of Mugwumps, after the Algonquian word for a chief or "superior person."

In person Grover Cleveland was a broad, stoutish man, with a firm-minded look, a bullet head, well-shaped nose, large eyes, high forehead, and a double chin. He dressed well, though plainly, and looked exactly what he was, a respectable, successful politician, who

¹ *The Reminiscences of Carl Schurz* (1909), III, 404.

knew his own mind, and how to deal with men and affairs. "He drank a little, but not to excess. He played poker, but only for sums so small as to involve no hardship either to winner or loser."¹ At the White House, however, during Cleveland's tenure of the presidency, "wine was never served, unless guests were there."²

The "spoils system" which had cast a shadow over the inauguration of Presidents since Andrew Jackson, was stopped, or at any rate greatly curtailed, by Cleveland. He took his own line about Civil Service appointments, and refused to listen to interested advice or demands from political supporters. This made a good impression, not only among the general public in America, but also in Great Britain. Mr. Gladstone, who was Prime Minister in 1885, said to the famous Presbyterian clergyman Theodore L. Cuyler, who was visiting England: "Cleveland is the noblest man that has filled the presidential chair since Lincoln."

President Cleveland's Secretary of State was Thomas F. Bayard (later Ambassador to Great Britain), a dignified, courteous and polished lawyer, who had represented Delaware for years in the Senate. He inherited the troublesome question of the Fisheries on the East and West Coasts of America.

The Treaty of Washington of May 8, 1871, the same which provided for the *Alabama* Arbitration at Geneva, gave to subjects of the United States the liberty of fishing off Eastern Canadian shores in return for liberty to British subjects to fish off the East Coast of the United States north of latitude thirty-nine. But as the fishing privileges which the United States received were more valuable than the liberty which she gave, compensation (to be fixed by arbitrators) was awarded by the Treaty to Great Britain. The compensation actually awarded was 458,333 33 dollars a year. Unfortunately, the habits of fish seemed to be changing. The mackerel, about the years 1881-2, left Canadian waters and thronged to the East Coast of the United States. So it was found that the United States Government was giving reciprocal fishing rights, and paying about £90,000 sterling a year for almost nothing.³ Consequently when the Treaty was expiring by effluxion of time in 1885, the United States Government gave notice that it would not be renewed.

With the lapse of the Treaty of Washington, all reciprocity in the fisheries ceased. Subjects of the United States were not permitted

¹ *Grover Cleveland*, G. R. McElroy (1923), I, p. 37.

² *Ibid.*, p. 112.

³ Fish, *American Diplomacy*, p. 375.

to fish within three marine miles of the Canadian or Newfoundland shores ; British subjects could not fish off the coast of the United States ; and Canadian and Newfoundland cod had to pay duty on being imported into the United States. President Cleveland was willing to make a new reciprocity treaty, but the project which he submitted to the Senate in 1888 was rejected by that body. The fishing "interests" objected to the clause allowing free entry of British fish into the American market. The people of the West, on the other hand, objected to the Government paying any compensation in lieu of remission of Customs duties : they "felt that it was enough to pay a higher price for their dried cod without paying additionally in the way of taxes." ¹ So the project for a treaty failed. Instead, a temporary *modus vivendi* was arranged between the British and American Governments ; by this, although British waters were not opened for fishing, American fishing vessels could use Canadian or Newfoundland bays and harbours, for the purchase of bait and other supplies, on paying a licence-fee of one and a half dollars per ton.² "This method of allowing those who used the privileges to pay for them worked satisfactorily, and under it the fishery flourished."³ The *modus vivendi* lasted until the Canadian Treaty of 1908 and The Hague (Newfoundland-United States) Arbitration of 1909.

Mr. Cleveland's first Administration came to an end with an act of strong co-operation along with Great Britain, and also with a diplomatic "incident" which created a certain amount of friction, although not a great deal.

The act of co-operation was with regard to Samoa. The Islands comprehended under this name had remained under their native chiefs until the 'seventies ; missionaries and traders settled on the Islands, but political interference did not take place. From 1872 onwards, however, first the United States, next Great Britain and Germany, obtained commerical privileges in the Islands. On January 17, 1878, the United States negotiated a treaty with "King" Malietoa of Samoa, opening all his ports to American ships, and securing trial by their own laws to Americans on the Islands. But this Treaty was scarcely a steadying influence : naturally it aroused other Governments to a sense of what their

¹ Fish, *American Diplomacy*, p. 376.

² Malloy, *Treaties*, I, 738 (signed at Washington, February 15, 1888).

³ Fish, *ibid.*

privileges might be. The root of the trouble was said (but by a British observer) to be German, "a company rejoicing in the Gargantuan name of the *Deutsche Handels und Plantagen Gesellschaft für Sud-See Inseln zu Hamburg*," an efficient, smoothly-working firm, with trim estates, but one which was apt to "move in a mysterious way."¹

In 1879 Germany and Great Britain each made a treaty of peace and friendship with King Malietoa of Samoa. The King thereby undertook to give no privileges to any one Power without according similar privileges to Great Britain and Germany. The independence of Samoa was recognized by both States.²

In January, 1886, the German Consul, with a force from the Imperial man-of-war *Albatross*, drove the native King from his capital, Apia, and hoisted the German flag.³ The King appealed to the American Consul for protection, and the Consul at once accorded it. Here was ground for very serious trouble. President Cleveland desired to do well by the Samoans, but he could not authorise his Consul's spontaneous assertion of American authority. Great Britain had no sympathy with German imperialism in Samoa, but she was equally bound to protest against the American Consul's attitude. Increase of international tension was to nobody's good: "Up to the present moment the intervention of the three Governments and of their respective subjects in Samoan affairs has not been productive of happy results to the people principally concerned, namely, the Samoans."⁴

The British and German Governments agreed, on the initiative of Lord Salisbury, to appoint a Joint Commission to investigate Samoan affairs on the spot. President Cleveland declared (June 6, 1886) that the American Consul's declaration of protection was unauthorised; and through Secretary Bayard, he declared: "It is no more the wish of the United States to set up or grant to Malietoa a Protectorate than to see any other nation in such exclusive control in those islands." He concluded this dispatch by suggesting that the Three Powers should make an agreement for peace and good order in Samoa. Some such agreement was all the more necessary,

¹ R. L. Stevenson, *A Footnote to History* (1892), chap. II, pp. 29-31.

² Treaties in *British and Foreign State Papers*, vol. 70, pp. 133, 241.

³ *Parliamentary Papers*, 1889, LXXXVI, p. 321.

⁴ Report of British Commissioner, in 1885 (April 29), in *Parliamentary Papers*, 1889, LXXXVI, p. 315.

because an adventurous German was stirring up rebellion against the legitimate native king, Malietoa. This German, Captain Brandeis, was described by Robert Louis Stevenson (who knew him) as

a Bavarian captain of artillery, of a romantic and adventurous character. He had served with credit in war ; but soon wearied of garrison life, resigned his battery, came to the States, found employment as a civil engineer, visited Cuba, took a sub-contract on the Panama Canal, and came (for the sake of his health) to Australia. He had that natural love for the tropics which lies so often latent in persons of a northern birth ; difficulty and danger attracted him ; and when he was picked out for secret duty, to be the hand of Germany in Samoa, there is no doubt but he accepted the post with exhilaration.

The German Consul, when the doings of Captain Brandeis were complained of, denied that he had anything to do with him, and added : "Brandeis is a quiet, sensible gentleman." The Consul promised, however, to send the vice-consul to get information of the captain's doings—"surely," wrote Stevenson, "supererogation of deceit." The information at the disposal of the State Department in Washington was that "Mr. Brandeis, lately connected with the German Consulate at Apia, has been sent under pay, and with the title of general, to give military instruction to Tamasese in promotion of his rebellion against the government of Malietoa."¹

In June, 1887, the German Minister at Washington, von Alvensleben, and the British Minister, Sir L. Sackville-West, exchanged views with Mr. Bayard at the State Department. The two European diplomatists were at the moment acting in concert, their object being to prevent the native Government of Hawaii (which was being instigated by one Gibson, a Mormon missionary, "trusted agent of Brigham Young"²) from interfering in the Samoan civil war. Mr. Bayard agreed with them, and pressure was brought to bear on the Hawaiian authorities to keep out of the affair. This happy concert, however, did not last long. The German Consul went on treating Apia as a German protectorate, so that strained relations ensued with the Imperial authorities : "so civil relations," wrote the British Acting Consul, from Samoa, on February 29, 1888, "between the United States man-of-war *Mohican* and the German men-of-war have been suspended." From the

¹ Bayard to von Alvensleben, March 2, 1887, quoted in McElroy, *op. cit.*, I, p. 248.

² R. L. Stevenson, *op. cit.*, p. 56.

State Department at Washington Secretary Bayard wrote to Minister Pendleton at Berlin, for communication to Prince Bismarck :

In the opinion of this Government, the course taken by Germany in respect to Samoa cannot be regarded as having been marked by that just consideration which the ancient friendship between the United States and Germany entitles this Government to expect.¹

The British had grievances, too. It was stated that Germans were threatening the natives "in order to force them to refrain from dealing with English traders and compel them to sell their produce to German merchants."² Altogether, a long-drawn-out series of irritating incidents, with British, American and German warships watching each other in Apia harbour, were making for some crisis or collision that would, in effect, be war.

In the last half of 1888, an armed German party from the Imperial warships were taking part in the Samoan civil war. The State Department deeply resented this, and endeavoured to secure British co-operation in protesting. Lord Salisbury, who was now Prime Minister and Foreign Secretary, was always anxious to be friends with Germany. So he moved slowly in this crisis, and informed Sir E. Malet, British Ambassador at Berlin, that "Her Majesty's Government will probably adhere to their neutral attitude." Presumably, he meant neutral attitude towards the Samoan native belligerents ; but if Great Britain did interfere, it would be on the side which was opposing the German armed parties—and this would have been war with Germany. On October 23, 1888, at 8 p.m., Lieutenant-Commander Pelly, of H.M.S. *Lizard*, in Apia harbour, "heard a shot and the whiz of a bullet close to the ship." It came from the Imperial warship *Adler*. The British officer thought it his duty to send a letter to the German captain, protesting against this firing in neutral water. The Commander of the United States battleship *Adams* did the same.

In January, 1889, the German Government proposed that a conference of Germany, Great Britain, and the United States should meet in Berlin to deal with Samoa. Lord Salisbury said that "Her Majesty's Government could have no objection, if the proposal was acceptable to the United States Government."³ Secretary Bayard

¹ *Parliamentary Papers*, 1889, LXXXVI, p. 186.

² Ross McArthur to Foreign Office, October 6, 1888, in *Parliamentary Papers*, 1889, LXXXVI, p. 542.

³ *Parliamentary Papers*, 1889, LXXXVI, p. 276.

agreed (February 9, 1889), provided that "pending the meeting of the Conference, Germany should refrain from seeking satisfaction for the killing and wounding of her sailors in the recent contest with the natives in Samoa." This was one of the Secretary's last official acts, for on March 4 he went out of office with President Cleveland, and a new Secretary of State (Blaine) and a new President (Harrison) were in their places. The warships of the Three Powers were still cheek by jowl in Apia harbour, and before the Conference could meet they seemed to be bracing themselves for war.

This at least was the belief in Apia. During the second week in March there were seven warships in the bay: three American, the *Nipsic*, the *Vandalia*, and the *Trenton*, which last was the flagship of Rear-Admiral Kimberley; three German, the *Adler*, the *Eber*, and the *Olga*; and one British, the *Calliope*, under Captain Kane. "Germany and the States, at least in Apia Bay, were on the brink of war, viewed each other with looks of hatred, and scarce observed the letter of civility."¹ On March 15, the barometer fell to 29.11. "This was the moment when every sail in port should have escaped." But the American squadron, which should by naval etiquette have led the way (for Rear-Admiral Kimberley was the only officer flying the "broad pennant"), made no move. He would not let the Germans out of his sight; "and the Germans, doggedly, followed his example: semi-belligerents, daring each other and the violence of heaven." The British man-of-war stayed too. Six merchantmen further crowded the narrow roads.

By midnight a terrible gale was blowing. Day came, but brought no relief. The wind blew straight into the harbour mouth. Driving mist and rain obscured everything. Huge seas were running: "the warships were ultimately buried from view in the trough, or seen standing on end in the breast of billows."

In the neck of the bottle that led from the sea into the harbour the *Trenton* maintained precarious moorings. The others were all in serious danger, the *Adler* and the *Nipsic* already badly injured. The *Eber* dragged its anchors and vanished under the coral cliff. The *Nipsic* beached herself luckily upon a space of sand. By 8 a.m. the *Adler* was driven, doomed, upon a reef; but her courageous Captain Fritze, placing his reliance "on the very hugeness of the seas that threatened him," skilfully slipped his moorings as his ship rose on the fatal wave. "The sea heaved her bodily upward and

¹ R. L. Stevenson, *op. cit.*, chap. X, p. 249.

cast her down with a concussion on the summit of the reef, where she lay on her beam ends, her back broken, buried in breaking seas, but safe." The British warship *Calliope*, within a few paces of collision between the *Vandalia* and the reef, seized a moment of light to slip cables and point herself for the exit of the harbour. To attempt to steam out to sea involved every sort of risk ; but certain destruction awaited behind. Contending against the whole force of the hurricane, Captain Kane steamed forward, inch by inch (it took two hours to cover the length of four cables) through the bottleneck, past the *Trenton*, towards the ocean. The crew of the doomed American ship and their sturdy Admiral stood on the deck and cheered the *Calliope* as she passed. Actually both were saved : by a miracle the *Trenton* rode out the storm in the harbour ; the *Calliope's* engines stood the strain, and the open sea was safely reached. Eleven ships perished in Apia bay.

The hurricane and destruction of the ships prevented the threatened outbreak of hostilities in Samoan waters. Bismarck had never wanted war with America, nor with Great Britain. The magnitude of the disaster in Apia bay still more inclined the Powers to peace ; so the projected Conference in Berlin took place. "The example thus offered by Germany," wrote Stevenson, "is rare in history ; in the career of Prince Bismarck, so far as I am instructed, it should stand unique. On a review of these two years [since the failure of the Washington Conferences of 1887] of blundering, bullying, and failure in a little isle of the Pacific, he seems magnanimously to have owned his policy was in the wrong."

The Conference at Berlin sat from April 29 until June 14, 1889. On the last day, an Anglo-German-American treaty was signed, guaranteeing the autonomy of the Samoan Islands (under King Malietoa) with a joint Protectorate of the Three Powers. This system lasted, not very happily, until 1900, when the Berlin Tripartite Treaty was abrogated, and the Samoan Islands were divided between Germany, which took the bulk of them, and the United States, which got Tutuila. Great Britain received as compensation from Germany the German rights over the Tonga Islands and certain of the Solomon Islands.¹ From the United States Great Britain asked for no compensation.

¹ Treaty between Great Britain and Germany, signed at London, November 14, 1899, in *British and Foreign State Papers*, vol. 91, pp. 70-4. Treaty between Great Britain, Germany and the United States, signed at Washington, December 2, 1899 (*B. and F. State Papers*, vol. 91, pp. 75-8).

CHAPTER XXII

THE SACKVILLE-WEST LETTER

Grover Cleveland was the first Democrat to become President since Buchanan, that is, since 1861 and the Civil War. His election was the conclusive sign of the complete reunion of South and North.

The Democratic Party had always stood for a moderate tariff as against the Republicans, who were for a high tariff. This was not controversy regarding Free Trade and Protection, but regarding two different degrees of Protection. But the Democrat theory of Protection had a Free Trade bias. "Those who buy imports," wrote Cleveland, in his Message of December 6, 1887, "pay the duty charged thereon into the public treasury, but the great majority of our citizens, who buy domestic articles of the same class, pay a sum at least approximately equal to this duty to the home manufacturer." The Federal Government had more revenue than it required at this time; and as Cleveland "watched the mounting surplus, bringing with it the inevitable evils of extravagance and inefficiency,"¹ he decided to propose some reduction of the tariff. This decision, and the Message of December, 1887, cost him the Presidency, when he stood for a second election in the next year.

His opponents said that he was merely working in the interest of Great Britain, a country always eager to see new markets opened to its exports. Mr. Blaine, who was then in Europe, was reported as saying that the President's Message amounted to a policy of Free Trade for the good of Great Britain. Fuel was added, deliberately, to this flame by the Sackville-West incident, which was carefully staged.

Lionel Sackville Sackville-West was born in 1827, being the fifth son of the Earl de la Warr. He entered the Foreign Office as a

¹ McElroy, *op. cit.*, I, 270. Cp. the remarks of Bryce, *The American Commonwealth* (ed. 1910), I, 178, 183.

précis-writer to Lord Aberdeen in 1845. In 1847 he became *attaché* at Lisbon, and for the next forty years was continuously employed in one important post after another—Naples, Turin, Madrid, Berlin, and Paris. At Paris, where he was secretary of embassy to Lord Lyons, he went through the period of the Franco-Prussian War and the Commune, and acquitted himself well. When Sir Edward Thornton, who had won the highest respect for fair-mindedness at Washington, was made Ambassador at St. Petersburg, Mr. West (as he then was) was appointed to succeed him. West was in many ways well qualified for the post : he was an able and experienced diplomatist ; he was good-tempered and had a manner of unaffected geniality. In every way he was considered a “ safe ” man, sociable, popular, yet reserved and even laconic in conversation.

In 1852 Mr. West had formed an attachment to a Spanish lady, a Roman Catholic, who was already married. This lady had lived with him as his wife until her death in 1871. It is a remarkable fact that, in the scrupulous administration of Queen Victoria, Mr. West's irregular union did not prevent him from receiving high public employment. He brought his daughters with him to Washington, and they were received into American society. Until 1888 Mr. West's mission was an unqualified success. After the Phoenix Park murders and the repressive acts of the British Government in Ireland in 1882, the Irish in the United States did much to embitter Anglo-American relations, but Mr. West was able to prevent any especial difficulties. Throughout the Samoan affair, the State Department and he were on the best of terms. But in 1888 he allowed himself to fall into a trap which it ought to have been in the A B C of an experienced diplomatist to avoid.

In 1885 Mr. West was made a Knight Commander of the Order of St. Michael and St. George. He also appears about this time to have assumed the style of Sackville-West. In October, 1888, he succeeded his elder brother as Baron Sackville. So he is found bearing a different title at different times throughout the incident that was to end his diplomatic career.

When the presidential election campaign was in full swing in the last half of the year 1888, the British Minister at Washington received a letter, addressed from Pomona, California, and signed Charles F. Murchison. It was dated September 4, 1888, and ran :

The gravity of the political situation here and the duties of those voters who are of English birth but still consider England the mother-

land constitute the apology I hereby offer for intruding for information. . . .

Many English citizens have for years refrained from being naturalised, as they thought no good would accrue from the act. But Mr. Cleveland's administration has been so favourable and friendly towards England, so kind in not enforcing the Retaliatory Act passed by Congress, so sound on the Free Trade question, and so hostile to the dynamite school of Ireland, that by the hundreds—yes, by the thousands—they have become naturalised for the express purpose of helping to elect him over again, as one above all of American politicians they consider their own and their country's best friend. I am one of these unfortunates. With a right to vote for President, I am unable to understand for whom I shall cast my ballot. . . .

I will further add that the two men, Mr. Cleveland and Mr. Harrison, are evenly matched, and a few votes may elect either one. Mr. Harrison is a high-tariff man, a believer in the American side in all questions, and undoubtedly an enemy to British interests generally. . . . As you are at the fountain-head of knowledge on the question, and know whether Mr. Cleveland's present policy is temporary only, . . . I apply to you, privately and confidentially, for information which shall in turn be treated as entirely secret. Such information would put me at rest myself, and if favourable to Mr. Cleveland enable me, on my own responsibility, to assure many of our countrymen that they would do England a service by voting for Cleveland and against the Republican system of tariff.

The real name of the writer remained secret for four or five months, but was at last made public, because too many ardent Republicans were bringing themselves to the notice of the President-elect as the author of the famous letter. The true name of the writer, according to a statement of Harrison Gray Otis, editor of the *Los Angeles Times*, and W. F. Fitzgerald, Member of the California Republican State Executive Committee (in a letter to President-elect Harrison), was George Osgoodby: "He is a *bonâ fide*, reputable citizen of Pomona, where he has lived a number of years, being a man of family, a fruit-farmer, and a property-owner to the amount of some 20,000 dollars. He is of Scotch-English parentage, but was born in the United States. He is not a politician, office-holder, or office-seeker, but he has small love for the English Government. He is a modest man of intelligence and thought, and has been a teacher."¹

When Sir Lionel Sackville-West received this modest man's letter on September 12, he was staying in his summer-house at Beverley,

¹ *Parliamentary Papers*, 1889, LXXXVII, pp. 663-4.

Massachusetts. As a rule, Sir Lionel was a poor letter-writer ; he was known to have a "distaste for epistolary efforts."¹ But on this occasion he was alone ; it was a rainy day², he had nothing better to do. He stepped into the trap, and replied, on September 13, to *Cha. F. Murchison, Pomona, Los Angeles Co., California*³ :

(Private.)

Sir,—

I am in receipt of your letter of the 4th instant, and beg to say that I fully appreciate the difficulty in which you find yourself in casting your vote. You are probably aware that any political party which openly favoured the mother-country at the present moment would lose popularity, and that the party in power is fully aware of this fact. The party, however, is, I believe, still desirous of maintaining friendly relations with Great Britain, and is still as desirous of settling all questions with Canada which have been unfortunately reopened since the retraction of the Treaty by the Republican majority in the Senate and by the President's Message, to which you allude. All allowances must therefore be made for the political situation as regards the presidential election thus created. It is, however, impossible to predict the course which President Cleveland may pursue in the matter of retaliation should he be elected, but there is every reason to believe that, while upholding the position he has taken, he will manifest a spirit of conciliation in dealing with the question involved in his Message. I enclose an article from the *New York Times* of the 22nd August, and remain yours faithfully,

L. S. SACKVILLE-WEST.

The cutting which Sir Lionel enclosed from the *New York Times* gave this Democrat journal's reasons for supporting the Cleveland candidature.

A similar trick played upon the Mexican Minister, Señor Romero, failed ; he curtly replied that he could not express an opinion on the domestic affairs of a friendly nation.⁴

The unfortunate letter of the British Minister was duly delivered to the address of the so-called Charles Murchison, and, of course, found its way at the right moment into the Press. The *New York Tribune* (Republican) published it first on October 22 ; and later, on November 4, the day of election, it published a full-page facsimile of the letter, with the significant head-lines :

¹ Rosen, *Forty Years of Diplomacy* (1922), I, 77.

² *Ibid.*

³ *Parliamentary Papers*, 1888, CIX, pp. 619-20.

⁴ Rosen, *op. cit.*, I, 76-7.

THE BRITISH LION'S PAW THRUST INTO AMERICAN
POLITICS TO HELP CLEVELANDFACSIMILE OF BARON SACKVILLE'S EXTRAORDINARY
LETTER TO CHARLES F. MURCHISONADVISING HIM THAT PRESIDENT CLEVELAND
SHOULD BE SUPPORTED BY NATURALISED
AMERICANS OF BRITISH DESCENT

A brief paragraph, headed "The A B C of Lord Sackville's profession," quoted Secretary Bayard's Instructions of 1885 to American Diplomatic Agents forbidding them "to participate in any manner in the political concerns of the country of their residence."

The British Minister had a grievance in that his letter, marked *private*, was made public; and he had a still greater grievance because a deliberate fraud had been conspired and perpetrated against him. It was insulting to Great Britain that a disgraceful electioneering trick should be played against the representative of Her Majesty. But Lord Sackville had himself to blame for having allowed himself to be gulled. He should never have answered the "Murchison" letter, otherwise than by saying, as the Mexican Minister had done, that he took no part in American domestic affairs.

The odd thing about the whole affair is that Lord Sackville, having made one false step,—probably the first technical diplomatic mistake he had ever made—went on obstinately and made another. Instead of apologising at once to the United States Government and owning his mistake, he did the sort of deed which practically every diplomatist who has ever done it has rued—he gave an interview to a pressman. Asked by the persuasive reporter of the *New York Tribune* if he had expected his letter to get into print, Lord Sackville said: "No, indeed; especially as I marked it *private*. But now that it is published, I don't care." This was not the only interview that he permitted. "The bell-pull at the office of the British Legation," as the *New York Herald* picturesquely said, had not been "so busy for many a day."

Lord Sackville having made his mistakes, the Foreign Office, which certainly ought to have known better, went on to make mistakes too. When the news arrived in London on October 27, Mr. E. J. Phelps, the American Minister, was actually staying with the Secretary of State for Foreign Affairs, Lord Salisbury. Mr. Phelps

had the news first, and after dinner, over one of Lord Salisbury's cigars, he told the Foreign Secretary what had happened. Lord Salisbury was a fine statesman and an English gentleman—his only fault, perhaps, was that he was rather easy-going as regards the details of politics. He was essentially cautious, too. So for both these reasons he received the news of the Sackville incident calmly, although quite seriously, and proceeded in his deliberate way to set the machinery of the Foreign Office in motion. Not that Lord Salisbury was at all dilatory. He went over to the Foreign Office on the very evening that the American Minister told him the news, and he wrote straight off to Lord Sackville for a copy of the Minister's "speeches." But Mr. Phelps had also conveyed a request from the State Department that Lord Sackville should be recalled. It would undoubtedly have been best if Lord Salisbury had at once acceded to this request, as soon as the facts of the Sackville incident had been confirmed from Washington (as they were by a telegram from Lord Sackville himself, received next day at the Foreign Office). Lord Salisbury, however, declined to recall the Minister, as such a course would imply "the censure of two Governments," the British and American. But something had to be done to satisfy American public opinion before the election for President took place on November 4. Accordingly, on October 31, Mr. Secretary Bayard sent Lord Sackville his passports. Lord Salisbury was very nettled at this, and refused to appoint any other Minister at Washington until President Cleveland went out of office in March of the following year.

CHAPTER XXIII

SEALS

The decision of President Cleveland to deliver passports to Lord Sackville was probably due in equal proportions to resentment at the British Minister's indiscretion, and to a desire to prove his own independence of British interests. The Minister's letter and its publication may have influenced the voters against the Cleveland Administration. At any rate the President failed to be re-elected on this occasion ; the Republican, Benjamin Harrison, took his place. Cleveland retired to Number 816, Madison Avenue, and took up again his busy life as a lawyer.

Benjamin Harrison was a quiet, sensible, thorough man. His great-grandfather had signed the Declaration of Independence ; his grandfather had been the " simple-life " or " hard-cider " President of the United States ; his father had been a member of the House of Representatives. Benjamin himself had been simply brought up on the family farm in Ohio, and had graduated from Miami University. Thereafter he energetically practised the profession of a lawyer, except for four years' active service in the Civil War (on the Northern side). Under Harrison the commanding personality of James G. Blaine returned to the State Department. The Blaines, belonging to the set of old residents of the capital, where they had always occupied a prominent social position, had naturally many long-established relations with the diplomatic body.¹

Relations with Great Britain were not particularly smooth when President Harrison took over office on March 4, 1889 ; not merely was there no British Minister at Washington, but there was a serious controversy between Great Britain and the United States over the Behring Sea. The first difficulty was put right by Lord Salisbury at once appointing a Minister Plenipotentiary (April 2).

The new British Minister was Sir Julian Pauncefote, who started his active career as a barrister, practised at Hong-Kong,

¹ Rosen, *op. cit.*, I, 77.

became Attorney-General there, and in 1874 returned to England and entered the Colonial Office. In 1876 he was transferred to the Foreign Office, and in 1880 he succeeded Lord Tenterden as Permanent Under-Secretary of State. When sent to Washington as Minister, Sir Julian's knowledge of law, as well as his experience of foreign affairs, proved of the highest value to his country. But his personality counted for as much as anything else. The opinion which the State Department formed of him was that he was "candid, fair, and an open fighter."¹ He was also in other respects the representative of the best traditions of British diplomacy: he was hospitable, friendly, and of an unruffled temper. An enormous amount of work was put upon him. All the conventions made between Great Britain and the United States during his period as Minister (or Ambassador) at Washington were negotiated and signed there, not in London.

The American Minister to the Court of St. James during Harrison's administration was Robert Lincoln, the only surviving son of the great President. Mr. Robert Lincoln had served in the Civil War, had practised law at Chicago, had the distinction of being a presidential elector in 1880, and was Secretary of War under Presidents Garfield and Arthur. He held the London Mission from 1889 to 1893.

The accession of the Republican Party to power brought the movement for a lower tariff to a sudden stop. The new tariff, associated with the name of William McKinley, leader of the Republican Party in the House of Representatives, was of a highly protective nature. There was no hope along tariff lines for a *rapprochement* with Great Britain.

Tariffs, however, are really a domestic question. The Seal Dispute was more troublesome, and in the 'nineties war was not infrequently mentioned in America as a possible solution of the difficulty. It is a curious fact that on the British side of the Atlantic war was seldom or never mentioned in this period. The Foreign Office knew that the two Powers might any year be involved in hostilities, but the British public never seriously thought war to be likely. It is probable that this care-free attitude of the British public for the last thirty years is based on a sound instinct.

The Seal Question undoubtedly presented great difficulties. One hundred and fifty years ago, it is said, the fur-seal, a most valuable

¹ McElroy, *Life of Cleveland*, II, 179.

animal, was also one of the most widely distributed. Indiscriminate slaughter, however, reduced the seals enormously. By the middle of the nineteenth century the chief herd was the one which had its breeding station (summer) off the Pribilof Islands in the Behring Sea. The Russian Government, which possessed both sides of the Behring Sea (Kamchatka and Alaska), and also the Aleutian Islands on the south of the sea, carefully protected the seal-fishing there. In 1821 the Tsar issued the now celebrated ukase, claiming jurisdiction to within 100 Italian marine miles of his coasts and islands, southwards to latitude 51° north. Both Great Britain and the United States refused to recognize this ukase as good in international law.

In 1867 Alaska passed by purchase and treaty to the United States. Mr. Seward had for his object, in making this annexation, "to check the growing power of Great Britain in North America."¹ The seal-fishing in American waters was leased to a commercial corporation, which killed about 100,000 seals a year. In 1880 Canadian vessels, and also unauthorised vessels flying the United States flag, began to attack the seal-herd as it journeyed up the coast, from its winter quarters off California, to its summer quarters in the Behring Sea. In 1885 these vessels began to enter the Behring Sea itself.

The Russian Government had pursued a policy of protecting the breeding of seals by restricting the fishing, or rather the hunting, for them, as far as possible, to land. Only male seals were to be taken. When the Canadians and others started pelagic fishing (that is, hunting with the spear or shot-gun at sea) the seal-herd greatly diminished. The United States authorities, accordingly, in 1886, had a number of unlicensed vessels in the Behring Sea seized by revenue cutters, brought in to Sitka in Alaska, and condemned. The ground of condemnation was that all the waters of the Behring Sea were within the jurisdiction of the United States, as the inheritor of an exclusive Russian jurisdiction.

The British Government naturally protested against seizure of British vessels and demanded compensation. From the United States Secretary of State Bayard carried on negotiations with the Foreign Office through Minister Phelps, and had made some progress when the election of President Harrison put an end to the ministrations of both Bayard and Phelps.

When Harrison came into office, the negotiations were transferred

¹ John W. Foster, *Diplomatic Memoirs* (1909), II, 20.

to Washington, and were conducted by Secretary of State Blaine and Sir Julian Pauncefote. At the same time, Blaine, quite legitimately, was in touch with M. Rosen, the Russian *chargé d'affaires* in the absence of the regular Minister, M. de Struve. Rosen proposed that Russia and the United States might agree jointly to police the Behring Sea; and it was confidently expected that this agreement would settle the question, adversely, of the British claim to hunt seals in this sea. The Rosen agreement was drafted in concert with the State Department, and cabled to St. Petersburg. But no reply came back. At the time this attitude of Russia greatly mystified the State Department.¹ It was not known until M. Rosen published his memoirs in 1922 what was the reason for the silence of the Russian Foreign Department. When Rosen's cabled draft arrived in St. Petersburg and was considered, the Minister of Foreign Affairs approved of it, acting on the advice of the celebrated international jurist, F. de Martens. But the Minister for the Navy vetoed it "upon the ground that the projected agreement might lead to complications with the leading maritime Powers which Russia was not, from a naval point of view, prepared to face."²

Mr. Blaine then engaged in a brilliant controversy with Lord Salisbury, justifying, with all his powers of language and reasoning, the jurisdiction claimed and exercised by the United States in the Behring Sea. He produced the Treaty of 1824 between the United States and Russia, and the Treaty of 1825 between Great Britain and Russia, in both of which Acts the Pacific Ocean was declared to be open to the subjects of the Contracting Parties. These agreements, Mr. Blaine contended, by specifying the *Pacific Ocean*, did tacitly recognize the Russian claim to the whole Behring Sea (or Sea of Kamchatka); because the Behring Sea (in the view of the State Department) was not part of the Pacific Ocean. After citing the evidence of Captain Cook and others, Mr. Blaine continued:

Is it possible that with this great cloud of witnesses before the eyes of Mr. Adams and Mr. George Canning, attesting the existence of the Sea of Kamchatka, they would simply include it in the phrase "Pacific Ocean," and make no allusion whatever to it as a separate sea, when it was known by almost every educated man in Europe and America to be so designated numberless times? . . . It is impossible that, in the Anglo-Russian Treaty, Count Nesselrode, Mr. Stratford Canning, and M. Poletica could have taken sixteen lines to recite the titles and

¹ See J. W. Foster, *op. cit.*, II, 25.

² Rosen, *op. cit.*, I, 80.

honours they had received from their respective sovereigns, and not even suggest the insertion of one line, or even word, to secure as valuable a grant to England as the full freedom of Behring's Sea.¹

Another argument which Mr. Blaine adduced was that "the Royal Family, the Nobles, the courtiers, the capitalists, and the speculators of St. Petersburg" were getting a return of 30 per cent. in 1824 out of their investment in the Behring Sea Monopolist Company, and they could be trusted not to throw that away. "That it was not thrown away is shown by the transactions of the Company for the next twenty years," when the fortunate Russian investors obtained "a profit on the original capital of 55 per cent. per annum."²

Lord Salisbury, unmoved by these, certainly interesting, arguments, went on maintaining that the facts of history, when investigated, would show that no State except Russia admitted the Russian claim to own the Behring Sea, before the transfer of Alaska to the United States in 1867; and he persisted in a proposal which he had been making for a year, namely, that the British and United States claims should be tested by an international arbitration.

Where the wills of two States, of equal power, were so definitely opposed, there were only the alternative solutions of war or arbitration. The solution of war does not seem to have been imminent. The correspondent of *The Times* at Philadelphia did, it is true, send a telegraph-message, printed on January 5, 1891, respecting naval preparations of the United States on the Pacific; but Mr. Blaine assured Sir Julian Pauncefote that "the telegram was absolutely and entirely false." As a matter of fact, President Harrison had practically agreed to submit the Behring Sea and Seal Question to arbitration, in a dispatch of Blaine to Sir Julian Pauncefote, dated December 17, 1890. Lord Salisbury, referring to this, in a dispatch of his own to Blaine, on February 21, 1891, took note of the fact that the correspondence between the Foreign Office and the State Department had produced an important result. This result was an admission by Secretary Blaine that the United States was now claiming, under the ukase of the Tsar, of 1821, not jurisdiction over the whole of the Behring Sea, but to a distance of 100 Italian marine miles from the shore of Alaska and its islands. The existence of such a ukase

¹ *Parliamentary Papers*, 1890-1, XCVII, p. 247 (Mr. Blaine to Sir J. Pauncefote, December 17, 1890).

² *Parliamentary Papers*, 1890-1, XCVII, p. 248 (same dispatch).

was undisputed. The only point in dispute about it was whether Great Britain had ever admitted the validity of the restriction. This point Lord Salisbury was quite ready to submit to arbiters.

Unfortunately, Mr. Blaine, brilliant and cogent in argument, was weak in historical knowledge. The fair-minded and patriotic J. W. Foster, one of America's best diplomatists, who was entrusted with the preparation of the American "case," wrote later with regard to Blaine's controversy with Lord Salisbury :

It is doubtful if any other living American could have made a more brilliant defence of his Government, and the fallacies which exist in his argument are due to the false assertion of historical facts and erroneous judicial decisions put forth during the preceding Administration of our Government.

The facts, if true, are among the most curious in diplomatic history. In 1895, when the Arbitration was all over, a former official of the Cleveland Administration, a friend of Mr. Foster, called upon him with the following information : that President Cleveland and Secretary of State Bayard had never meant to have the unlicensed sealing-ships in the Behring Sea seized and condemned, that the revenue officers on the Alaskan Coast had misconstrued their instructions ; and that the seizures which the British Government complained of "were brought about through the influence of the Alaska Commercial Company (the lessees of the Pribilof Islands), which maintained constantly in Washington an agent more distinguished as a lobbyist than learned as a lawyer." ¹

The same informant also said that the legal proceedings taken in the Court at Sitka against the seized vessels "were instituted without instructions from or the knowledge of the Attorney-General ; that a brief was prepared by the lessees' agent in Washington making assertion of the action of Russia and arguing the questions of international law on that basis." It was this brief which the district judge at Alaska followed in his decisions condemning the vessels. A telegram from the United States Attorney-General, ordering the dismissal of the suits and the release of the seized vessels, was not acted on, because "it was not confirmed (as is usual) by letter." ² Then the Cleveland Administration had to make ready to quit office, and in the change-over of Governments, presumably, the copy of the Attorney-General's telegram, if a copy was kept, was forgotten.

¹ J. W. Foster, *op. cit.*, II, 26.

² J. W. Foster, *op. cit.*, II, 26-7.

Mr. Foster admits that "this was a strange story, but I had no doubt of its correctness."

Although Mr. Foster did not know all this when he was preparing the American case for submission to the Arbitration Tribunal, he soon discovered that the records of history, when carefully searched, did not altogether justify the confidence of Mr. Blaine. When Alaska was ceded by Russia to the United States, the archives which concerned the territory were likewise handed over. Since 1867 these archives had lain in their original dusty bundles in the State Department, their strings uncut. The language of the Russians has been the severest of obstacles between that great people and the rest of the civilised world. Its fatal obscurity was now misleading the State Department. Nobody in the Department (the British Foreign Office was probably not much better off) had more than a "book knowledge" of Russian. However, with a good deal of trouble, Mr. Foster found a Russian, one Ivan Petroff, who could translate the language and read the script. Petroff set to work, and produced a series of translations from documents entirely confirming the United States claims. The careful Mr. Foster had the original documents, from which these important translations were made, photographed. The facsimiles were put into the American case; but even with the Russian facsimiles before them, it is doubtful if the Arbitrators would have noticed anything remarkable.

As luck would have it, however, a clerk in the Library of the State Department, named William C. Mayo, possessing a "book-knowledge" of Russian, had been reading some of the Russian documents. Doubtless he was the clerk who had fetched the bundles from their pigeon-holes for the enterprising Petroff to examine; and with the insatiable curiosity of the librarian-scholar, he had been idly reading some of the documents, and looking at M. Petroff's translations. It struck him that the originals and the translations did not seem to tally, and he informed Mr. Foster "that he feared some of these documents were not correctly translated." Mr. Foster at once had the papers thoroughly examined, and discovered that Petroff had himself invented and interpolated all the passages in the translations that supported the United States' contention. When taxed with his fraud, "he quietly acknowledged his guilt, and did not deign to give any explanation of, or excuse for, his conduct."¹

¹ J. W. Foster, *op. cit.*, II, 41. Examples of the interpolations or mis-translations are given in Moore, *International Arbitrations*, I, 815.

Mr. Foster at once asked the British *chargé d'affaires* to come and see him, and put him in possession of the facts. The incident was all the more annoying as Mr. Foster had been rather proud of those facsimiles—anybody would have been.

The treaty in which Great Britain and the United States agreed to submit their controversy to arbitration was signed on February 29, 1892, by Mr. Blaine and Sir Julian Pauncefote. Article I said :

The questions which have arisen between the Government of the United States and the Government of Her Britannic Majesty concerning the jurisdictional rights of the United States in the waters of Behring's Sea, and concerning also the preservation of the fur-seal in, or habitually resorting to, the said Sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seals in, or habitually resorting to, the said waters, shall be submitted to a tribunal of Arbitration, to be composed of seven Arbiters.

The Arbiters were to be appointed as follows : two by Her Britannic Majesty, two by the President of the United States, one each by the King of Italy, King of Sweden, and President of the French Republic. They were to meet in Paris. Decisions were to be made by a majority of all the Arbiters, and were to be accepted by the Contracting Parties as final. Each party was to pay its own Commissioners, agents, and officials : the other expenses were to be shared equally.

When the American *chargé d'affaires* in Paris called on M. Ribot, to arrange for the meeting, the Premier raised an objection to the use of the English tongue : he said that it " was *bizarre* to designate Paris as the place of meeting of a court at which a French judge was to sit, and to ask that judge to render his decision in a foreign language." Having made this formal protest in favour of French as the language of diplomacy, M. Ribot was easily satisfied by the American Government's explanations ; among other things it was pointed out to him that the compulsory use of the French tongue would give a great advantage to the British Government, which would easily select arbitrators and counsel proficient in French, while such a thing was almost impossible for the Americans.¹

The French Government appointed as its member of the Arbitral Board Baron de Courcel, who had recently been Ambassador in Germany, and who spoke and wrote English perfectly. The King of Italy chose the eminent Italian statesman, Marquis Visconti-

¹ J. W. Foster, *op. cit.*, II, 33-4.

Venosta ; the King of Sweden chose Gregers Gram, subsequently Swedish Prime Minister. The American members were John M. Harlan, a justice of the Supreme Court, and John T. Morgan ; the British members were Lord Hannen, a judge of the High Court of Appeal, and Sir John Thompson, Minister of Justice of Canada. The senior American Counsel was Mr. E. J. Phelps, who had been Minister in London ; the senior British Counsel was Sir Charles Russell, subsequently Lord Russell of Killowen. The American Agent (the "manager," so to speak, of the whole American Delegation) was Mr. J. W. Foster, who, owing to the illness and retirement of Mr. Blaine, became Secretary of State in June (1892). The British Agent was Charles H. Tupper, Minister of Marine and Fisheries for Canada, the son of a former Canadian Prime Minister. The Tribunal began its session in Paris on March 23, 1893, and signed its Award on August 15, 1893.

The American "case" contained two main lines of argument, one based on the records of history, the other on the rights and customs of property. The historical line of argument was that which Mr. Blaine had so greatly relied on and emphasised in his exchange of dispatches with Lord Salisbury. Mr. Foster, in preparing the "case," became more and more aware that the historical evidence was not conclusive in favour of the United States. An able lawyer, General B. F. Tracy, a member of President Harrison's Cabinet, had discovered a better line of argument, by contending that the United States (through its ownership in the Pribilof Islands) had a right of property in the seal-herd. For it had been observed by fishers and scientists that the Pribilof seals never mixed with any other herd, either on their way down to Californian waters or on their return to the breeding stations. They brought forth their young on the Islands, and but for their attachment to these Islands would long since have been exterminated. "Hence it was contended that the United States had such a property and interest in the herd as entitled it to be protected in the water as well as on the land."¹ Against this argument the British contended that seals were wild animals, *feræ naturæ*, and therefore were nobody's property when in the high seas, outside the territorial jurisdiction of a State. "What is the freedom of the sea?" asked Sir Charles Russell, and he himself answered :

¹ J. W. Foster, *op. cit.*, II, 28. Cp. Moore, *International Arbitrations*, I, 811 ff.

The right to come and go upon the high sea without let or hindrance, and to take therefrom at will and pleasure the produce of the sea. It is the right which the United States and Great Britain endeavoured, and endeavoured successfully, to maintain against the claim of Russia seventy years ago.

The Award (which was in French, with an English version) was signed at ten o'clock on August 15 at the *Ministère des Affaires étrangères*. It was handed to the British and American Agents in a session which was opened to the public at eleven o'clock. As regards the question of jurisdiction over the Behring Sea, the Tribunal found as follows :

By the Ukase of 1821, Russia claimed jurisdiction in the sea now known as Behring's Sea, to the extent of 100 Italian miles from the coasts and islands belonging to her, but in the course of the negotiations which led to the conclusion of the Treaties of 1824 with the United States and of 1825 with Great Britain, Russia admitted that her jurisdiction in the said Sea should be restricted to the reach of cannon-shot from the shore, and it appears that, from that time, up to the time of the cession of Alaska to the United States, Russia never asserted in fact or exercised any exclusive jurisdiction in Behring's Sea or any exclusive rights in the seal fisheries therein beyond the ordinary limit of territorial waters.

This was the verdict of six of the Arbiters, one of the two Americans, Senator Morgan, being against it.

The Arbiters decided unanimously that in the Russo-British Treaty of 1825, the Behring Sea was included in the phrase " Pacific Ocean." By a majority of six (Senator Morgan being adverse) they decided that Russia never held exclusive rights of jurisdiction in the Behring Sea. They unanimously decided that whatever rights Russia had in those waters and fisheries passed unimpaired to the United States in 1867, at the cession of Alaska. As regards the question of property in seals, by a majority of five to two (both Mr. Justice Harlan and Senator Morgan being adverse) the Arbiters decided that :

The United States has not any right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea, when such seals are found outside the ordinary three-mile limit.

This Award was certainly correct as far as it was based on the facts of history, and was probably correct also in the part in which it was based on the laws and customs of nations. It was really to be criticised only on the ground that it was good for every one except

the seals. The Treaty of Arbitration had, however, by Article VII provided that if the Award should leave the subject in such a position that the concurrence of Great Britain was necessary for establishing Protective Regulations, the Arbiters were empowered to make such regulations. Accordingly they enacted that subjects of Great Britain and the United States should not kill or capture seals at any time within sixty miles around the Pribilof Islands; and secondly that there should be a "close time," during which no seals should be taken in the Behring Sea, between May 1 and July 31, both dates inclusive. During the seal-fishing season only sailing-vessels or undecked paddle-boats were to be employed. The use of nets, firearms, or explosives, were forbidden, except that shot-guns might be used in seal-fishing places outside the Behring Sea. These regulations could be abolished or modified by agreement between the Governments of Great Britain and the United States.

As damages for ships and property wrongly seized by the United States authorities, Great Britain claimed 542,169 dollars *plus* interest at seven per cent. President Cleveland's Secretary of State, Mr. Gresham, offered, in 1894, 425,000 dollars in full settlement. Sir Julian Pauncefote accepted this for the British Government. Congress, however, refused to appropriate the necessary money, so this agreement lapsed. Subsequent negotiations between Sir Julian Pauncefote resulted in the appointment (February 8, 1896) of a Joint Commission of one British subject and one American. This Commission finally awarded the sum of 473,151 dollars to Great Britain.¹

The Paris Arbitration was a disappointment to the American public, and for some time the general question of arbitration became unpopular in the United States, just as after the Geneva Award it became unpopular in Great Britain. In 1895 Theodore Roosevelt, at that time Police Commissioner of New York, published an article in which he said: "The one failure of President Harrison's Administration was in the Behring Sea case." He also wrote to Mr. Foster: "My main purpose in telling about the Behring Sea Arbitration was to try to show some of our people that arbitration might be a very poor thing indeed"—by which, apparently, Mr. Roosevelt meant that the United States could not count in an arbitration on getting all that she wanted. However, he changed his mind by the year 1907, when he instructed the American Delegates to the Second Peace

¹ Moore, *International Arbitrations*, I, 900-1; Malloy, *Treaties*, I, 770.

Conference at The Hague to favour an agreement for obligatory arbitration.¹

Socially, the Paris Arbitration of 1893 was all that could be desired. The tribunal sat for four days in each week, keeping Saturday, Sunday, and Monday free. "The spacious and elegant diplomatic apartments" attached to the *Ministère des Affaires étrangères* were placed at its disposal.

The public were admitted by card to most of the sessions. It was probably the most splendid contest of forensic eloquence that had ever been seen. The foremost lawyers of the English-speaking world were pitted against each other. At Geneva there had been little speaking, most of the work being investigation of printed argument and evidence. At Paris Sir Charles Russell spoke for fifteen days, Sir Richard Webster (afterwards Lord Alverstone) for ten; Mr. Phelps, the senior American counsel, spoke for eleven days.

Sir Charles Russell kept up the old-fashioned practice of snuffing: "His sneeze often echoed through the tribunal-chamber, accompanied by the flourish of a huge red bandanna handkerchief which he carried." The President of the French Republic was M. Sadi Carnot, who, after the dull times of Jules Grévy, specialised in generous and dignified entertainments. He gave a banquet to the Arbiters at the Elysée Palace. Madame Carnot gave a garden-party to which the Arbiters' ladies were also invited. The British and American Agents and the learned counsel gave "elaborate entertainments" to the members of the Tribunal, to the officials of the French Government and to each other. The British Ambassador, Lord Dufferin, had known the American Agent, Mr. Foster, since they had both been colleagues in the diplomatic corps at St. Petersburg twelve years previously. They renewed their courtesies and hospitality to each other; Mr. Foster found that the lapse of years had not chilled the warmth of Lord Dufferin's welcome, nor his zest for society. Mr. Foster and all the American Delegation, with their wives, stayed throughout the Arbitration at the Hôtel Continental, beside the Louvre. They were thrilled to see the Empress Eugénie, who was staying there too, "a queenly-looking woman, tall and stately, dressed in deep black and with grey hair." When the Arbitration was over Mr. and Mrs. Foster went home *via* Egypt, India, China, and Japan.

¹ J. W. Foster, *op. cit.*, II, 30 (November 12, 1895).

CHAPTER XXIV

VENEZUELA AND THE MONROE DOCTRINE

Mr. Blaine, who was a man of vision, had always regretted that the relations of the United States with the other States of the American continent were not more friendly. Ever since the failure of the Pan-American Congress of 1826, the influence of the United States in Latin America seemed to have receded in favour of the influence of Great Britain. When Secretary of State in the short-lived Garfield Administration (1880-1) Blaine had been active in offering good offices towards the settling of South or Central American Inter-State Disputes, but with little result. In particular, he worked hard to end the war between Chile and Peru. But although the Chileans had won the war months before Blaine went out of office (which happened in December, 1881), peace was not made until two years later, and then it was without American intervention. A proposal for a Pan-American Congress, for which Blaine actually issued invitations in 1881, was quashed by Mr. Frelinghuysen, his immediate successor at the State Department. Blaine, however, was able to put his design into practice when he became Secretary of State for the second time, during President Harrison's Administration. The Pan-American Congress met in 1890, and Blaine occupied the chair at the meetings with dignity and efficiency. Some useful work was done to secure uniformity in certain commercial regulations, and a permanent Bureau of the American Republics was established at Washington "supported jointly by the nations concerned, and charged with the collection of information."¹ Under the fostering care of this bureau, and with the "active encouragement of the State Department, a quasi-federative system for the maintenance of peace has since been established among themselves by the Central American States (except Mexico)."²

¹ Fish, *American Diplomacy*, p. 388.

² See *A Central American Experiment in International Peace and Co-operation*, by R. B. Mowat in *Discovery*, for March, 1925. See also *The Confer-*

Blaine inherited the interest of the United States in the Anglo-Venezuelan Boundary Dispute. The dispute itself was inherited by Great Britain when the Dutch ceded to her in 1814 the colonies of Essequibo, Demerara and Berbice; these were later known collectively as British Guiana.

After the cession of 1814, the boundary question was not raised until 1841, when Sir Robert Schomburgk, a member of the Royal Geographical Society of London, starting from the estuary of the Orinoco, completed a survey of the western frontier of British Guiana on behalf of the British Government. Out of this delimitation, which the British Government did not consider to be final, arose the modern Boundary Dispute between Great Britain and Venezuela. The territory claimed by the two States was a considerable portion of the area between the Essequibo River on the east, and the Caroni, a tributary of the Orinoco, on the west. The Venezuelans claimed the Essequibo as their boundary; if this claim was justified, the British would lose about half their colony of Demerara. The extreme British claim was to territory westward to the mouth of the Orinoco. But Lord Aberdeen in 1844 had offered not to press this claim and to accept instead a "modified" Schomburgk Line, the modification being wholly in favour of Venezuela. No reply was given to Lord Aberdeen's offer. Subsequent British statesmen who dealt with the question, Lord Granville and Lord Salisbury, withdrew the concession which Lord Aberdeen had offered to make and claimed up to the Schomburgk Line and in some places beyond it.¹ Apparently the British claim on the whole was the better, for when the question, after being submitted to arbitration, was settled in 1899, Great Britain was awarded not merely the whole western watershed of the Essequibo but something approximating, although with considerable reductions, to the Schomburgk Line. Before this happened, however, the United States and Great Britain had nearly come to blows over the question.

In 1887 the United States Minister in London, Mr. E. J. Phelps, was instructed by Secretary Bayard to tender the good offices of his Government in the dispute between Great Britain and Venezuela. Lord Salisbury, however, declined. The attitude which General

ence on Central American Affairs, 1923, in *American Association for International Conciliation*, August, 1923, No. 189.

¹ See the various "Lines" demarcated on Map Number 9, in *Parliamentary Papers*, 1896, XCVII, p. 471.

Guzman Blanco had taken up in reference to the dispute "precluded Her Majesty's Government from submitting those questions at the present moment to the arbitration of any third Power." A similar offer to mediate had been received "from another quarter" (probably Spain) and had been declined.¹ The energetic but highly arbitrary President of Venezuela, Guzman Blanco (1887), had broken off diplomatic relations with Great Britain. In the meantime the diplomatic interests of Great Britain were looked after by the German Minister at Caracas.

In 1890, Mr. Robert Lincoln, who was now United States Minister in London, renewed the offer of mediation, on the part of Secretary Blaine. This time, Lord Salisbury, without declining the offer of the United States, said that nothing further could be done until the diplomatic position between Great Britain and Venezuela had been made more regular. The next statesman in the United States seriously to take up the Venezuelan affair was Richard Olney.

Mr. Olney was like his chief, Cleveland, a determined, clear-headed man. He was born at Oxford, Massachusetts, in 1835, was a graduate of the Harvard Law School, and a leading lawyer of Boston. President Cleveland made him Attorney-General in his Second Administration. Mr. Olney's courage was tested by the great Railway Strike of 1894. He had only two rules in dealing with this: firstly, that the regular trains carrying the mails must always be permitted to run; secondly, that no acts of violence must be permitted. The "injunctions" which he issued with these aims to the District Attorneys were much criticised, but he persisted in his attitude, and the President supported him by sending Federal Troops into the State of Illinois to assist in keeping order. Such was Mr. Attorney-General Olney when Walter Quinton Gresham, Cleveland's Secretary of State, suddenly died in May, 1895. Gresham had already instructed Mr. Bayard, Ambassador² in London, to tender the good offices of the United States in the dispute between Venezuela and Great Britain. Lord Kimberley, who was Secretary of State in Lord Rosebery's brief Administration (1894-5), replied to the offer of the United States that "Her Majesty's Government had expressed their willingness to submit the question, within certain

¹ The Marquis of Salisbury to Mr. Phelps, February 22, 1887, in *Parliamentary Papers*, 1896, XCVII, p. 914. Cp. J. H. Latané, *The Diplomatic Relations of the United States and Spanish America* (1900), p. 274.

² The British-American Legations had been raised to Embassies in 1893.

limits, to arbitration, but that they could not agree to the more extended reference on which the Venezuelan Government insisted." In fact, Lord Kimberley added, the British Government "could not consent to any departure from the Schomburgk Line" (February 23, 1895).

When Mr. Olney became Secretary of State he resolved to make a declaration to the British Government, to show that the United States had a living interest in the Anglo-Venezuelan Affair, and that it would assert that interest practically. After being considered by President Cleveland and the Cabinet, the declaration, dated July 20, 1895, was forwarded to Ambassador Bayard for communication to Lord Salisbury, who was now again Prime Minister and Secretary of State for Foreign Affairs. The Olney Dispatch was the re-assertion of the Monroe Doctrine in an amplified form.¹ After an analysis of the Anglo-Venezuelan Dispute, Secretary Olney pointed out six "important features" of it: (1) the "very large" area of territory in dispute; (2) the disparity of strength between the claimants; (3) the extreme age of the controversy; (4) Venezuela's persistent desire for arbitration; (5) Great Britain's refusal to go to arbitration, "except upon condition of the renunciation of a large part of the Venezuelan claim"; and (6) "the United States has made it clear to Great Britain and to the world that the controversy is one in which both its honour and its interests are involved, and the continuance of which it cannot regard with indifference."

Mr. Olney went on to point out that the United States never interfered with Europe. "Washington, in the solemn admonitions of the Farewell Address, explicitly warned his countrymen against entanglements with the politics or the controversies of European Powers." The correct converse of this, in the logic of President Monroe, was "in effect that American non-intervention in European affairs necessarily implied and meant European non-intervention in American affairs." Mr. Olney then quoted the Monroe Message in a long extract. Thus America was closed to all future colonisation by European Powers. But "it was realised that it was futile to lay down such a rule unless its observance could be enforced. . . . It was therefore courageously declared, not merely that Europe ought

¹ It is given in full in *Parliamentary Papers*, 1896, XCVII, pp. 919-33. Cp. Remarks of Alejandro Alvarez, *The Monroe Doctrine* (1924), p. 223 ff. Alvarez also gives the text of the Olney Dispatch on pp. 80-4.

not to interfere in American affairs, but that any European Power doing so would be regarded as antagonizing the interests and inviting the opposition of the United States."

Mr. Olney, however, fairly pointed out that the Monroe Doctrine had recognized limitations :

The precise scope and limitations of this rule cannot be too clearly apprehended. It does not establish any general Protectorate by the United States over other American States. It does not relieve any American State from its obligations as fixed by international law, nor prevent any European Power directly interested from enforcing such obligations or from inflicting merited punishment for the breach of them.

The Monroe Doctrine or rule, said Mr. Olney, had been observed for over seventy years. "It was the controlling factor in the emancipation of South America. . . . Since then the most striking achievement to be credited to the rule is the evacuation of Mexico by the French, upon the termination of the Civil War." It was also responsible for the neutrality and non-colonisation clauses of the Clayton-Bulwer Treaty. "It had been influential in bringing about the definite relinquishment of any supposed Protectorate by Great Britain over the Mosquito Coast."

The Monroe Doctrine, in the view of the Secretary of State, was axiomatic. Mr. Olney, indeed, seemed inclined to extend its application from the prevention of future settlement by European Powers to the condemnation of existing European settlements. "That distance, and 3,000 miles of intervening ocean, make any permanent political union between any European and any American State unnatural and inexpedient will hardly be denied." This remark was, perhaps, unduly pointed, seeing that Great Britain happened to be united with Canada ; moreover, it was scarcely necessary to Mr. Olney's argument about the Anglo-Venezuelan dispute. Equally unguarded was another remark, from the point of view of the great South American Republics, whose sovereignty Mr. Olney affected to be defending against an arrogant Great Britain : "To-day the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition."

Mr. Olney concluded this vigorous dispatch with two remarks. Firstly, that Great Britain's assertion of title to disputed territory, and her refusal to have that title investigated, were regarded "as injurious to the interests of the people of the United States," and

involved a policy with which "the honour and welfare of this country are closely identified." Secondly, Ambassador Bayard, in presenting the foregoing views, was authorised to reinforce them by such pertinent observations as would occur to him : the observation suggested by Mr. Olney was that the foregoing views "call for a definite decision upon the point whether Great Britain will consent or will decline to submit the Venezuelan Boundary question in its entirety to impartial arbitration." Mr. Bayard gave to Lord Salisbury a copy of the complete dispatch, concluding remarks and all.

Lord Salisbury, in his calm way, took plenty of time to answer the Olney dispatch ; nothing could ever provoke him into unconsidered assertions. The even-tempered dispatch which he sent on November 26 is in his best style, because the subject suited him exactly : he was a judicious historian, particularly well read in the international affairs of the nineteenth century, about which he has left some admirable historical essays. He now pointed out the interesting fact that Mr. Olney's Dispatch was, so far as he was aware, the first in which the Monroe Doctrine had ever been put forward "in any written communication addressed to the Government of another nation [President Monroe's Message was itself addressed to Congress, and was not officially communicated to foreign Governments] ; but it [the Monroe Doctrine] has been generally adopted and assumed as true by many eminent writers and politicians in the United States." His lordship continued :

The two propositions which in effect President Monroe laid down were, first, that America was no longer to be looked upon as a field for European colonisation ; and, secondly, that Europe must not attempt to extend its political system to America, or to control the political condition of any of the South American communities who had recently declared their independence.

After a brief account of the Holy Alliance and the events of 1821-3, Lord Salisbury went on :

The dangers which were apprehended by President Monroe have no relation to the state of things in which we live at the present day. . . . The disputed frontier of Venezuela has nothing to do with any of the questions dealt with by President Monroe. It is not a question of the colonisation by a European Power of any portion of America. It is not a question of the imposition upon the communities of South America of any system of government devised in Europe. It is simply the determination of the frontier of a British possession which belonged

to the Throne of England long before the Republic of Venezuela came into existence.

The gist of Mr. Olney's dispatch, as Lord Salisbury read it, was this: "If any independent American State advances a demand for territory of which its neighbour claims to be the owner, and that neighbour is the colony of a European State, the United States have a right to insist that the European State shall submit the demand, and its own impugned rights, to arbitration." To this Lord Salisbury's answer was:

Whether, in any particular case, it [arbitration] is a suitable method of procedure is generally a delicate and difficult question. The only parties who are competent to decide that question are the two parties whose rival contentions are in issue. The claim of a third nation, which is unaffected by the controversy, to impose this procedure on either of the two others, cannot be reasonably justified, and has no foundation in the law of nations.

Even when guarded in this way, Lord Salisbury's remarks must not be taken as expressing any acquiescence in the Monroe Doctrine: "I must not be understood as expressing any acceptance of it on the part of Her Majesty's Government."

Lord Salisbury noted at the end of the dispatch Mr. Olney's remark that 3,000 miles made a permanent, political union between a European and an American State unnatural and inexpedient.

The necessary meaning of these words is that the union between Great Britain and Canada, between Great Britain and Jamaica and Trinidad, between Great Britain and British Honduras or British Guiana, are "inexpedient and unnatural." President Monroe disclaims any such inference from his doctrine; but in this, as in other respects, Mr. Olney develops it. He lays down that the inexpedient and unnatural character of the union between a European and American State is so obvious that it "will hardly be denied." Her Majesty's Government are prepared emphatically to deny it on behalf of both the British and American people who are subject to her Crown. They maintain that the union between Great Britain and her territories in the Western Hemisphere is both natural and expedient.

This conclusion, while relevant to Mr. Olney's dispatch, had not much bearing on the Anglo-Venezuelan dispute. Accordingly Lord Salisbury followed it up by another dispatch of the same date (November 26), explaining carefully the steps in the history of the controversy, and the efforts which the British Government had made to settle it by direct negotiation with Venezuela.

The reply of the United States Government was a little embarrassing to those who were working for a peaceful solution. In his Message to Congress, December 17, 1895, President Cleveland denied that he was in any way extending the Monroe Doctrine, and to prove this he seemed almost to assume that Great Britain's claim against Venezuela was wrong—a curious attitude for an impartial third party in a dispute to assume.¹

If a European Power by an extension of its boundaries takes possession of the territory of one of our neighbouring Republics against its will, and in abrogation of its rights, it is difficult to see why, to that extent, such European Power does not thereby attempt to extend its system of government to that portion of this continent which is thus taken. This is the precise action which President Monroe declared to be "dangerous to our peace and safety," and it can make no difference whether the European system is extended by an advance of frontier or otherwise.

President Cleveland ended with something which looked like an ultimatum :

The dispute has reached such a stage as to make it now incumbent on the United States to take measures to determine with sufficient certainty for its justification what is the true divisional line between the Republic of Venezuela and British Guiana. . . . When such report is made and accepted it will, in my opinion, be the duty of the United States to resist by every means in its power, as a wilful aggression upon its rights and interests, the appropriation by Great Britain of any lands, or the exercise of governmental jurisdiction over any territory, which after investigation we have determined of right belongs to Venezuela.²

This Message, although approved by both Houses of Congress, did not follow the line which some other thoughtful Americans would have taken. A few days before the Message was issued, a great international lawyer commented on the affair. Mr. John Bassett Moore had been an official in the State Department ; he was probably the most learned authority on arbitrations, and was later the editor of the classical work on *International Arbitrations to which the United States has been a Party*.

On or about December 10,³ he wrote to a member of Mr. Cleveland's Cabinet (Mr. Wilson, Postmaster-General) a long and closely reasoned letter, which was really a powerfully sustained effort to influence the policy of the President.

¹ Cp. Latané, *Diplomatic Relations*, pp. 281-2.

² Full text in *Foreign Relations of the United States*, 1895, part I, pp. 542-5.

³ McElroy, II, 183.

In the first place, wrote Mr. Moore, "the whole system of arbitration presupposes that nations will be reasonable in their claims." But "the claim of Venezuela to all territory west of the Essequibo is not a scrupulous claim."

In the second place, boundary disputes submitted to arbitration had always been concerned with adjudication concerning a line or frontier which had been already established by direct adjudication between the two disputing parties :

We have arbitrated boundary disputes and so has Great Britain, but never, so far as I am informed, where a line had not previously been agreed upon by direct negotiation. Governments are not in the habit of resigning their functions so completely into the hands of arbitrators as to say, "We have no boundaries ; make some for us."

Thirdly, the United States was in danger of being made a tool of by Venezuela.

For twenty years, Venezuela, instead of settling her boundary dispute, has in various ways, some of them obviously dishonest, been trying to drag the United States into the dispute. . . . And what is the position we now hold ? It is substantially this : "When a weak American Republic asserts a claim to territory in America as against a European occupant, and offers to submit its claim to arbitration, the European Power, if it refuses the offer, is to be considered as holding the territory by force, and as infringing the Monroe Doctrine."

Venezuela, although she had settled her southern boundary, with Brazil, on the basis of the *uti possidetis*, refused to accept this basis on her eastern boundary, with regard to British Guiana.

It was as if the United States should say :

Even the great doctrine of prescription, recognized by every publicist from the time of Grotius, and the very foundation of the peace of nations, is not applicable to that boundary. Claim what you will, and propose arbitration of it, and I will step in and say that it shall be settled in no other way. I am simply backing you. This is according to the Monroe Doctrine.

"Of course," added Mr. Moore, "the President never intended to say any such thing, but, when we examine the facts, we find that it is precisely what he has said." ¹

Mr. Cleveland, owing to his Message of December 17, 1895, cannot be acquitted of having challenged Great Britain to war at a time when the British Government had every incentive to accept the

¹ McElroy, *Grover Cleveland*, II, 184-5.

challenge except its concern for humanity. For the British Government could have no doubt both of the justice of its cause and of the support which public opinion, not merely at home, but in the Dominions, would offer it. Lord Rosebery, later, in the House of Lords, drew attention to "the unbounded expression of the loyalty of Canada, which would have been the colony most affected had our difficulty with the United States reached an acute stage.¹ Mr. Cleveland, rather unfairly to his own people, as well as to the British, threw upon the generosity and tolerance of Lord Salisbury the onus of appearing to retract or else of accepting a quite unnecessary war. Nobody in the United States will now be prepared to say that Great Britain was afraid of war; and probably few people will say that the Venezuelan claim would have been worth a war between Great Britain and the United States. Luckily, Parliament was not sitting when President Cleveland issued the December Message, so the British Cabinet was left alone to manage the affair quietly by itself. Moreover, the Jameson Raid into the Transvaal, at the end of the month, sufficiently absorbed the public attention.

Mr. Bayard, the United States Ambassador in London, was gravely concerned at the Cleveland Message. He pointed out to his Government that the average British comment, as typified in *The Times* of December 18, was perfectly firm, although temperate.

I send to the Secretary of State fuller—or rather more numerous—public expressions on the subject, which while varying in phrase and tone, are entirely at one on the main point, i.e. of opposition to the main point laid down in your Message, and the instructions of the State Department conveyed to this Embassy.

"I am not able," continued Mr. Bayard, "to shake off a grave sense of apprehension in allowing the interests and welfare of your country to be imperilled or complicated by such a government and people as those of Venezuela."²

It is open to all British and Americans to admit that statesmen in both countries have made mistakes—more mistakes, probably, in Great Britain than in the United States. Mr. Cleveland's Message of December 17, and probably, too, Mr. Olney's dispatch of July 20, 1895, were exceptions among the usually carefully weighed and cautiously expressed American State Documents.

¹ February 11, 1896. Hansard, *Parliamentary Debates*, Fourth Series, XXXVII, p. 42.

² McElroy, *op. cit.*, II, 191. December 18, 1895.

Mr. Cleveland, while prepared to face war, was honestly anxious to avoid it; and he complained, in his reply to the letter of Mr. Bayard, quoted above, that Great Britain was not helping him: "It would have been exceedingly gratifying and a very handsome thing, if, in the midst of all this Administration has had to do in attempts to stem the tide of 'Jingoism,' she had yielded, or rather conceded, something (if she called it so, which I do not) for our sake." As a matter of fact, he added, the Message was not a threat of war. If Great Britain would not go to arbitration, "we will not go to war, but do the best we can to discover the true facts for ourselves." If this investigation proved that Great Britain had unjustly seized Venezuelan land—"that is a different matter": this meant that *then* the United States would have a cause for fighting.¹ With this view of the matter, Great Britain would herself undoubtedly agree. Nobody could object to the United States investigating the facts for herself, and then deciding to support the cause which she found to be just.

It is true that Mr. Cleveland's position was made rather hard by the interest—if one may use a perhaps rather inadequate expression—which the Message of December 17 aroused in the Press of the United States. Only one of the leading journals made a serious effort on the side of peace. The New York *World* invited opinions from representative British statesmen. The proprietor of this journal, Mr. Joseph Pulitzer, had frequently met the Prince of Wales (afterwards King Edward VII) at Homburg. He cabled directly to the Prince and to the Duke of York (afterwards King George V) asking for an expression of their views. The Prince at once drafted a peaceful message, but before sending off by cablegram he showed it to Lord Salisbury. The Prime Minister "deprecated the Prince's intervention." Nevertheless the Prince sent off the cablegram to Mr. Pulitzer. It was published on Christmas Eve, 1895:

I thank you for your telegram. I earnestly trust and cannot but believe present crisis will be arranged in a manner satisfactory to both countries, and will be succeeded by same warm feeling of friendship which has existed between them for so many years (December 23, 1895).²

Congress proceeded to appoint a Commission to determine what was "the true division line between the Republic of Venezuela and

¹ Cleveland to Bayard, December 29, 1895 (McElroy, II, 192-5).

² *Life of King Edward VII*, by Sir Sidney Lee (1925), I, 715.

British Guiana." Here the underlying good feeling of the British and American peoples appeared.¹ The Commissioners, wishing to get the best information, invited their (apparent) opponents, the British Government, through the ordinary diplomatic channels, to co-operate. Some irresponsible people in Great Britain had suggested that the appointment of such a Commission was insulting to Great Britain. But in the recess, while Parliament was still on holiday, the Chancellor of the Exchequer, Sir Michael Hicks-Beach, said in a speech at Bristol (January 29, 1896):

He did not think it a cause of complaint that the President of the United States, supported by Congress, should have appointed an American Commission to ascertain the facts for the information of their Government.

When Parliament met on February 11, Mr. A. J. Balfour, First Lord of the Treasury, said in the House of Commons:

So far from our taking the appointment of the American Commission to be a national insult, I may tell the House that the American Government have applied to us, through the ordinary channels of diplomatic intercourse, to aid them by supplying any information that we may have. To that invitation we have replied, and have promised them all the information at our disposal, at the earliest possible moment.

Lord Salisbury "had great pleasure in forwarding advance copies" of the papers which were to be presented to Parliament."²

Sir William Harcourt, the Leader of the Opposition (formerly Professor of International Law at Cambridge), in the same debate stated the American view of the Monroe Doctrine with a terseness that dissipated the cloud of misunderstanding in Great Britain:

It is a very old doctrine—in force long before President Monroe's time. The principle is a very old one. No one pretends, the United States have not pretended, that it is a doctrine of international law. It is nothing of the kind. It is a principle of national policy. . . . What other States claim to exercise everywhere [i.e. to intervene when their interests are menaced] the Monroe Doctrine has limited to the American continent.

Looked at in this way the Monroe Doctrine is not an extension of the principle of a State's right to look after its own vital interests,

¹ Cp. Remarks of Latané, *America as a World Power* (1907), p. 258.

² Bayard to Olney, telegram of February 6, 1896. Text in Alvarez, *Monroe Doctrine*, p. 91.

"it is a limitation of that principle" ¹: it is a natural and intelligible and, from the point of view of Great Britain at least, innocuous expression of American policy. The Prime Minister, the Marquis of Salisbury, had only one comment to make in the House of Lords upon its use in the Venezuelan crisis. That the interest of the United States in the affair was obvious and natural the British Government would have admitted without Mr. Olney's challenging exposition of the Monroe Doctrine:

I do think the bringing in of the Monroe Doctrine was, controversially, quite unnecessary for the United States. Considering the position of Venezuela in the Caribbean Sea, it was no more unnatural that the United States should take an interest in it than that we should feel an interest in Belgium and Holland. And from that point of view I think the negotiations may very well go on.²

And, in point of fact, Lord Salisbury believed that the intervention of the United States would turn out to be really a great advantage to Great Britain, because the United States practically guaranteed that, if arbitration was resorted to, Venezuela would faithfully carry out the award.

The intervention of the United States introduces into this controversy the important element of a solid and substantial Government which, in effect, offers a guarantee for the permanence and the reception of any settlement that may be arrived at. Now it seems to me quite obvious that that view is sound, and that the United States, after the part she has taken in this controversy, could not remain an indifferent spectator if Venezuela, as we have often feared, was not likely to abide by any peaceful settlement that might be arrived at.

Lord Rosebery's opinion was that by the end of December each of "the two representative executive officials of the two countries" had "got into an impasse. . . . It did not appear they could be extricated either of themselves or by themselves, without some loss of dignity." They could only be extricated by "diplomacy." Such was Lord Rosebery's view; and diplomacy, which in this case was largely in the hands of Mr. Bayard in London, and Sir Julian Pauncefote in Washington, acting on the instructions of President

¹ Hansard, Fourth Series, XXXVII, 84-5. For Harcourt's views on the Venezuela dispute, see A. G. Gardiner, *The Life of Sir William Harcourt* (1923), II, 395-404.

² Hansard, Fourth Series, XXXVII, 52 (February 11, 1896). The first words are wrongly quoted by McElroy, *Grover Cleveland*, II, 200, as "I do not think," etc.

Cleveland and Lord Salisbury, had already found a way out.

The British Government would only go to arbitration on a particular line; the Venezuelan Government demanded unrestricted arbitration. But Mr. Bayard had gathered from unofficial conversations with Lord Playfair that the British Government would accept arbitration which excluded all existing British or Venezuelan settlements. Lord Playfair was not a member of the Government; in fact he was a member of the Opposition. But he was working for a peaceful solution, and the characteristic conditions of London social life enabled him to get into touch with the Government informally, but effectively. Bayard conveyed the suggestion to Secretary of State Olney in a dispatch dated January 13, 1896, and Mr. Olney accordingly officially asked the British Government if it would consent to "unrestricted arbitration," provided that territory which had been in the "exclusive occupation" of either party for sixty years should belong to that party. To this kind of unrestricted arbitration the British Cabinet had no objection. Therefore in his last annual Message to Congress (December, 1896) President Cleveland was able to say: "The Venezuelan boundary question has ceased to be a matter of difference between Great Britain and the United States, their respective Governments having agreed upon the substantial provisions of a treaty between Great Britain and Venezuela submitting the whole controversy to arbitration." He added that "the assent of Venezuela thereto may confidently be anticipated." Without doubt Mr. Cleveland had himself seen to that.

Solid, sensible, imperturbable "Sir Julian" (as President Cleveland always alluded to him) was working steadily for peace in his dealings both with the Venezuelan Legation and the State Department. He did not confine his efforts to Washington.

In the summer of 1896 he went to England and had conversations, not merely with the Government, but with the Leader of the Opposition, Sir William Harcourt. In order to obtain complete agreement in Great Britain, Lord Salisbury actually authorised Pauncefote to ask the Leader of the Opposition to suggest terms for settling the dispute. Harcourt "dictated a form of words, which, after some slight corrections, was taken away by Pauncefote to Lord Salisbury at the Foreign Office." ¹

At the end of August (1896) Mr. Joseph Chamberlain, Secretary of

¹ Gardiner, *Life of Sir W. Harcourt*, I, 402.

State for the Colonies, paid a hurried visit to America to see Mr. Olney.¹ Sir Julian Pauncefote returned to Washington at the same time ; and he, Olney and Chamberlain between them finally settled the dispute so far as Great Britain and the United States were concerned.

The Arbitration Treaty was in form negotiated directly by the British Embassy and the Venezuelan Legation in Washington. The officials of the State Department, it is said, actually did most of the negotiating.² The Treaty was signed at Washington on February 2, 1897, by Sir Julian Pauncefote and by President Andrade, of Venezuela, who had come as Envoy Extraordinary and Minister Plenipotentiary. The Arbitral Tribunal was to consist of five members, two appointed for Great Britain (to be nominated by the Judicial Committee of the Privy Council), and two for Venezuela, of whom one was to be nominated by the President of Venezuela and one by the Supreme Court of the United States ; a fifth was to be selected by the persons so nominated. They were "to determine the boundary-line between the colony of British Guiana and the United States of Venezuela," but "adverse holding or prescription during a period of fifty years shall make a good title."³

The Tribunal met at Paris. The British Members were Lord Russell of Killowen, and Sir Richard Henn Collins, a judge of the High Court ; the Members for Venezuela were Melville Weston Fuller and David Josiah Brewer, respectively Chief Justice and a Justice of the Supreme Court of the United States of America ; the fifth, who had to be a jurist of high standing selected by the four, was Frederic de Martens, Permanent Councillor of the Russian Ministry of Foreign Affairs, the celebrated editor of the *Recueil de Traités conclus par la Russie*. Among the learned counsel who appeared for Venezuela before the Tribunal was the former President of the United States, Benjamin Harrison.

The Award was made and signed, and the final session of the Tribunal was held on October 3, 1899. Except at two points, where substantial alterations were made in favour of Venezuela, the frontier fixed by the Tribunal followed the Schomburgk Line.⁴

¹ Gardiner, *op. cit.*, II, 401, 403.

² McElroy, *Grover Cleveland*, II, 201.

³ Treaty in *British and Foreign State Papers*, vol. 89, p. 57.

⁴ Award in *British and Foreign State Papers*, vol. 92, p. 160. For comments on the Venezuela Affair, see R. G. Adams, *A History of the Foreign Policy of the United States* (1924), pp. 264-265.

CHAPTER XXV

JOHN HAY

During Grover Cleveland's last administration, what has been called "the chronic, although usually slumbering, animosity" ¹ between the United States and Great Britain occasionally almost burst into flame. By the time, however, that Cleveland left office (March 4, 1897), the two countries had become quite friendly again; and after this, the mutual relations were to go on getting steadily better. Henry Adams ascribed this fact to the increase of Germany's power, which "frightened England into America's arms." Elsewhere, however, he said that his friend John Hay had done it; and sometimes he admitted that Sir Julian Pauncefote had counted for a good deal. Hay, in his efforts "to bring in England, . . . had no ally, abroad or at home, except Pauncefote, and Adams always maintained that Pauncefote alone had pulled him through." ²

Before Cleveland handed over the Presidency to William McKinley in March, 1897, it was almost certain that there would be a war with Spain. It was clear at any rate that Spain could not govern Cuba. The courageous effort, maintained for about thirty years, to control the island and to suppress insurrection, was simply contributing to the political and economic exhaustion of Spain. The United States, naturally, sympathised with the efforts of the Cubans to free themselves from a European Monarchy; and there was an old design, which Cleveland revived with good prospects of success, for the United States to purchase Cuba. But the Spanish Cabinet, although not unfavourable to the proposal, felt that Spanish public opinion would make such a solution of the Cuban question impracticable. Thus, unfortunately, the condition of democratic politics made it inevitable that instead of receiving

¹ *The Life of John Hay*, by W. R. Thayer (1916), II, 210.

² *The Education of Henry Adams*, p. 374.

about £20,000,000 ¹ for the loss of Cuba, Spain should have to fight a sanguinary and costly war and lose her islands at the end of it.

Mr. Cleveland took a fortnight's shooting holiday after laying down the Presidency, and then returned to Princeton. His successor, William McKinley, was descended from an Ulster family which had been settled in America for over a hundred and fifty years. He had served with distinction in the Civil War. "Every one who was brought into intimate contact with him," wrote J. W. Foster, "was charmed by his lovable nature, his gentlemanly bearing, and his conscientious devotion to his public duties."²

The Secretary of State appointed by the new President was John Sherman, who had been Chairman of the Senate Committee on Foreign Relations. Mr. Sherman, who was advanced in years, held the post for about a year, and retired just after the opening of the war with Spain. His place was then taken by William R. Day, who had been a District Judge for some years. Day had to conduct the difficult international relations of the United States during the Spanish War, when "practically all Europe, except Great Britain, was out of sympathy with us" [the United States].³ Day, a man of "judicious temperament," acquitted himself well as Secretary of State, a post which he only quitted in order to serve on the Commission which negotiated peace with Spain, at Paris. He was thereupon succeeded (September 20, 1898) by John Hay, who came from the Embassy at London, and who was to prove himself to be an epoch-making director of the State Department. The British Government (of which Lord Salisbury was still Prime Minister), having settled the Venezuelan difficulty, was anxious to maintain good relations with the United States when McKinley became President; and with Hay Ambassador at London, and Pauncefoot still Ambassador at Washington, everything that diplomacy could do to sweeten association was sure to be done.

There were some things which proved almost too much for the diplomatists' capacity. Diplomacy can circumvent every obstacle except that created by an adverse public opinion. One such thing was the Seal Fishery Question, for the regulations agreed upon at the Behring Sea Arbitration proved inadequate to protect

¹ 100,000,000 dollars was the sum which Cleveland proposed (McElroy, *op. cit.*, II, 250).

² *Diplomatic Memoirs*, II, 256-7.

³ J. W. Foster, *op. cit.*, II, 276.

the seals. Another Anglo-American stumbling-block was the Alaskan boundary. A third was the question of Reciprocity in certain economic interests between Canada and the United States. Altogether there were twelve clear-cut subjects of dispute, according to a protocol signed by J. W. Foster and Sir Julian Pauncefote in 1898. These subjects of dispute it was the task of Anglo-American diplomacy to remove. Even this list of twelve omitted an (apparently) gigantic difficulty which was soon to arise (or rather to re-arise), the question of the Panama Canal. So there was plenty of work for John Hay to do at London before he went back to Washington as Secretary of State.

The Hay family in the first century of the United States had exhibited that wandering tendency which was characteristic of the Americans at that period of their development. The first American Hay was a Scotsman who went to Pennsylvania about 1750, after having served in the army of the Elector Palatine of the Rhine. His grandson John migrated into Kentucky. This was not his only move, for in 1830 he transferred himself with his wife and fourteen children to Springfield, in the State of Illinois, where they made friends with another migratory family, that of Abraham Lincoln (the Elder). One of these fourteen children, Charles, became a physician, and went to Indiana, married, and had a son, John, the future Ambassador and Secretary of State (1838). But the wanderings of the Hay family were not yet over. John's father moved back into Illinois in 1841, not indeed to the former home at Springfield, but to Spunky Point on the Mississippi, a place which somebody's enthusiasm for Jane Porter's novel (*Thaddeus of Warsaw*) caused to change its picturesque name to Warsaw. Here for a time the Hays came to rest. American social life was becoming more settled, more "European." The youngest and most famous of the Hays was destined to be the most "European" of America's statesmen—without indeed sacrificing anything of his American patriotism.

In 1855 Hay went to Brown University, Providence, Rhode Island; afterwards he practised law at Springfield, Illinois. In 1861 President Abraham Lincoln made him and John G. Nicolay his private secretaries. The Civil War almost immediately broke out, and the young Hay was plunged into supremely important business, domestic and international. He was therefore well equipped by his social and political experience, when the long

agony of the Civil War was over, to undertake diplomatic work. He became Secretary of Legation at Paris. There, naturally, he saw a great deal of the official life of the Second Empire. He did not find much to admire in Napoleon III, except his "wonderful phlegm." "He stands there," wrote Hay, "as still and impassive as if carved in oak for a ship's figurehead."

After his term at Paris, Hay went back to the United States as a private citizen, until he was appointed in June, 1867, to be *chargé d'affaires* at Vienna, a post from which the historian Motley had just resigned. On his way to Vienna, Hay passed through London and visited Charles Francis Adams.

After Vienna Hay's next post was that of Secretary of Legation at Madrid, in 1869, where he saw something of Serrano, Castelar, and Prim, and wrote a finely descriptive book, *Castilian Days*. But he had still not found his life-work. In 1870 he was back in New York, working as a journalist. In 1873 he married happily and became comparatively wealthy. About this time, too, he wrote, along with Nicolay, the monumental *Life of Abraham Lincoln*. In the early 'eighties he made his permanent home in Washington, largely in order to be near Henry Adams, who was Hay's greatest friend. Adams kept something of a *salon* at Washington; and himself, Hay, and another friend, Clarence King,¹ wrote, anonymously, *Democracy*, the amusing novel of political life in "the indolent city of Washington." One of McKinley's first appointments, when he became President, was to make Hay (who was a party-man, a strong Republican) Ambassador at London in place of Bayard.

"Hay," wrote Henry Adams, "belonged to the New York school—men who played the game for ambition and amusement, and played it, as a rule, much better than the professionals, but whose aims were considerably larger than the usual player's, and who felt no great love for the cheap drudgery of the work."² Adams, who himself was not even an amateur player, but merely a spectator, was a great believer in what he called an "Atlantic system" of foreign policy: the ties between the European States and the American Republic were to be strengthened. "Hay thought England must be first brought into the combine."³ This was his idea when he went to London as Ambassador.

¹ See *Clarence King Memoirs*, edited by the Century Club (1904).

² *The Education of Henry Adams*, p. 373.

³ *Ibid.*, p. 374.

Hay already knew London fairly well when he began his ambassadorship at Number 5, Carlton House Terrace, in May, 1897. He had some acquaintance with English society, as well as with the large number of cultured Americans, authors, artists, and amateurs of various kinds, who made their home in England. Such were Henry James, who lived at 34, De Vere Gardens, Kensington; the painter, Edwin Abbey, who lived at Broadway, and another painter, Frank D. Millet, who years afterwards, in 1912, went down in the *Titanic*. On visits to London, before he became Ambassador, Hay had been to official banquets and had listened to the eloquence of Ambassador Bayard. Hay himself was a sensible speaker, but he did not take Bayard's style very seriously. To Henry Adams he once wrote: "I returned from the dinner of the Fishmongers, stuffed with turtle and spiced meats, drenched in loving-cup and Bayard's eloquence. . . . I never so clearly appreciated the power of the unhesitating orotundity of the Yankee speech as in listening—after an hour or two of hum-ha of tongue-tied British men—to the long wash of our Ambassador's sonority." This was three years before Hay himself became Ambassador.

Mr. Hay, as soon as he was established in the Embassy, set to work to do away with all sources of friction, a fairly difficult thing to do, for the Cleveland-Olney policy had left the Monroe Doctrine "like a volcano suddenly thrust up in mid-ocean." Affairs were complicated by the fact that American Ambassadors at London (and of course the State Department) had not merely to negotiate with the Foreign Office, but had to take into account the Canadian Government, which was now able to undertake certain direct negotiations with Washington.

The Canadian Government wished to renew with the United States the Reciprocity Treaty of 1854, which admitted certain natural products of either country. But the United States wanted reciprocity in certain manufactured goods too, an arrangement which probably would have been of less advantage to Canada; for the Canadians had not as many manufactured things to send out of their country as the Americans had. Mr. Blaine, when Secretary of State, had said to a Canadian Commission at Washington (in 1892): "Gentlemen, there is only one satisfactory solution of this question: *it is to let down the bars.*"¹ He wanted a complete Customs Union with Canada. The Canadians, however, declined,

¹ J. W. Foster, *op. cit.*, II, 180.

"on account of their relation to Great Britain and their financial needs." Goldwin Smith, who had been an Oxford professor, then a Cornell professor, and was now a resident in Toronto, was greatly interested in the Canadian effort to secure reciprocity with the United States, and visited Washington unofficially to try and reopen the question, but was unsuccessful. No better fate attended the next problem, that of the seal-fisheries.

The regulations agreed to by Great Britain and the United States after the Behring Sea Arbitration had not resulted in adequately protecting the seals. Further restrictions appeared to be necessary, and the State Department proposed that a joint conference of the United States, Russia, Japan, and Great Britain should be held at Washington. The first three States agreed; the British Foreign Office and Colonial Office were ready to acquiesce too. Hay thought that everything was satisfactorily arranged, when the scheme broke down owing to the reluctance of Canada. The Canadians were ready to join with the Foreign Office in a conference with the United States only. Hay wrote to Washington on October 18, 1897: "I was never so surprised in my life as when they [the British] objected, at the end of September, to Russia and Japan." His opinion was that the British Government deferred too much to Canada: "They frankly avow their slavery to Canada, and chafe under it."¹ A British-Canadian and United States conference did take place at Washington, but no definite result was reached.

It was in the following year, on May 30, 1898, that a protocol was signed at Washington by Sir Julian Pauncefote and Sir Louis Davies (Canadian Minister of Marine and Fisheries) for Great Britain, and by J. W. Foster and J. A. Kasson, Special Commissioners, for the United States. The protocol provided for a Joint High Commission to settle twelve outstanding grounds of difference (relating to Canada) between the United States and the British Empire. These were: the fur-seals, the Atlantic and Pacific Coast Fisheries, the Alaskan boundary, transit of merchandise "across intermediate territory of the other," transit of merchandise "from one country to be delivered at points in the other beyond the frontier," alien labour-laws, mining-rights, reciprocal customs-concessions, the Lakes Agreement of 1817, the marking of the frontier, conveyance of prisoners "in the lawful custody of the

¹ To J. W. Foster, December 27, 1897 (Foster, *op. cit.*, I, 185).

officers of one country through the territory of the other"; finally (twelfthly), "any other difference not included in the foregoing specification." The Commission was appointed and held sessions both in Quebec (August, 1898) and in Washington (February, 1899). Socially, the Commission was a great success; it had also accomplished a good deal of its business until "it became apparent that an irreconcilable difference of views was entertained respecting the delimitations of the Alaskan boundary."¹ Therefore the Commission adjourned on February 20, 1899, and never re-assembled.

The Alaskan-boundary dispute was the stumbling-block: if this difficulty were removed all the other things would be sure to be amicably settled. So Hay took the Alaskan affair vigorously in hand. But before this task especially fell to him to do, the Spanish-American War had taken place.

The tension between the United States and Spain over the Cuban Insurrection was increased by the explosion in or outside the United States battleship *Maine*, in Havana harbour, on February 15, 1898. The ship sank, 266 lives were lost: treachery on the part of Spaniards was suspected. Hostilities opened at the end of April. The war, although localised in Cuba and the Philippines, was, if not on the "grand scale," at any rate sufficiently serious.

The position of a foreign Ambassador in a neutral State,² when his country is at war, is usually very delicate, difficult, and unpleasant. He has to justify his country, he has to meet honest and dishonest criticism, he has to combat enemy propaganda, and, owing to the absorption of his Government in the war, he has usually not much more information at his disposal than the public among whom he is living. Hay might have found his post in London during the Spanish-American War very uncomfortable and his task hard. As a matter of fact, he found the Venezuelan Affair apparently forgotten, and the atmosphere most congenial. He was just the man to respond properly to this atmosphere: he was sociable, witty, absolutely honest, fond of speaking his mind: he

¹ President McKinley's *Annual Message* (Mallory, I, 773).

² The British proclamation of neutrality was signed, in a Privy Council held on April 23, 1898, by the Prince of Wales acting as a Commissioner for Queen Victoria. This was the only Council held by Commission in the whole reign. See *The Times*, March 18, 1925, p. 14.

breathed in the air with quiet enthusiasm and spread a genial warmth around him. He was careful to impress the friendliness of Great Britain on Washington, where the feeling was rather bitter against the transatlantic States in general. To Senator Lodge Hay wrote on April 5, 1898, before the war had started :

I do not know whether you especially value the friendship and sympathy of this country. I think it important and desirable in the present state of things, as it is the only European country where sympathies are not openly against us. . . . If we wanted it—which of course we do not—we could have the practical assistance of the British Navy—on the *do ut des* principle, naturally.

On May 25 he again wrote to Senator Lodge :

It is hardly too much to say the interests of civilisation are bound up in the direction which the relations of England and America are to take up in the next few months. The state of feeling here is the best I have ever known.

The Royal Family, although "most careful not to break the rules of strict neutrality," showed great kindness and—"so far as is consistent with propriety"—sympathy. The Colonial Secretary, Joseph Chamberlain, went much farther, for on May 13, in a speech to the Birmingham Liberal-Unionist Association, he actually proposed that there should be an Anglo-American alliance :

I don't know what the future has in store for us ; I don't know what arrangements may be possible with us ; but this I do know and feel, that the closer, the more cordial, the fuller, and the more definite these arrangements are, with the consent of both peoples, the better it will be for both and for the world—and I go even so far as to say that, terrible as a war may be, even war itself would be cheaply purchased if, in a great and noble cause, the Stars and Stripes and the Union Jack should wave together over an Anglo-Saxon alliance.

It is almost certain that something unusual was going on in that obscurely-known world of diplomacy (of which the Americans were now at last really a part) where the subtlest actions and reactions are always being transmitted. *The Times* correspondent in Vienna at this time, who knew intimately the "great village" that is European diplomacy, tells of an obscure German intrigue, an overture, apparently, made to the British Government for joint intervention in the Spanish-American question.

This movement [in favour of Spain] started in Berlin. I first became aware of it during a conversation with Baron Pasetti von Friedenburg,

the Austro-Hungarian Ambassador to the Quirinal, on April 17th. With an acrimony rare in a man of his courteous temperament, he animadverted on the criminal short-sightedness of England in not opposing the designs of the United States. He assured me that the Emperor Francis Joseph, like the German Emperor, believed that the moment had come for the States of Europe jointly to make a stand against American high-handedness, and to bring the United States to reason. Indeed if England persisted in maintaining her foolish attitude, which was really encouraging the United States to flout Europe, she might find that Europe would turn against her. Germany, Austria-Hungary, France, and Russia would be ready to join in a European manifestation, and, if England would play her part, Italy might join too. Baron Pasetti therefore urged me to represent to the British public the extreme expediency of concerted European action lest an opportunity be let slip that might never recur.¹

On April 30, 1898, Admiral Dewey destroyed the Spanish squadron in Manila Bay. He then proceeded regularly to maintain a blockade of Manila. The German and British Pacific squadrons came up to observe what was going on, and to protect the interests of their nationals. The German officers and men "committed breaches of international law and naval etiquette, and showed disregard and contempt for the blockade established by Dewey, all of which gave rise to serious friction, and might have led to an open rupture."²

When the joint army and navy operations of the Americans against Manila were begun on August 13, the German ships occupied a position to the north-west of the city. It was feared that Admiral von Diederich was going to open fire upon the American forces during the bombardment of Manila. If such a design existed on the part of the Germans, "it was perhaps blocked by the action of Captain Chichester, the senior British naval officer, in placing his command during the bombardment between them and Dewey."³ Captain Chichester's own account of the incident was :

When the German admiral sent me word that he was coming aboard my ship to get me to join in a protest against Dewey's action, I looked up international law and spread the books out on my cabin table with the pages open and marked—all in a row—and when he came, I said :

¹ H. W. Steed, *Through Thirty Years* (1924), I, 131.

² *The New American Navy*, by John D. Long (1904), II, 111. Mr. Long was Secretary of the Navy during the Spanish-American War.

³ Long, *op. cit.*, II, 112.

"What can I do? This American admiral is so deadly right in all that he has done and all he proposes to do that if we protest we will merely show that we do not understand the law." Of course, there was nothing to be done, and I did it.¹

There was really no chance at this time for German overtures to win Britain to oppose the United States. The German Emperor's telegram to President Kruger, on January 3, 1896, congratulating him on his victory "without calling on the help of friendly Powers," was still fresh in the mind of the British people. We know now from official German records that this telegram was not a whim of the Kaiser, but was the considered act of the German Foreign Office.² Although the British public did not know this fact at the time, the British Foreign Office probably was not without an idea of the truth.

The United States successfully concluded the Spanish War by the Treaty of Paris, December 10, 1898. Spain recognized the independence of Cuba, and ceded to the United States Porto Rico, Guam, and the Philippines. For these cessions the United States paid a compensation of 20,000,000 dollars. Hay had come back to Washington at the end of September, in place of Secretary Day, who had been made one of the Commissioners for negotiating the peace at Paris.

Hay's London Mission was a complete success. Henry Adams, it will be remembered, had been private secretary to his father, C. F. Adams, when the latter was Minister to the Court of St. James during the Civil War. Again he was in London in 1898, in the last months of his friend Hay's ambassadorship. It was the calm "Indian Summer" of Adams's life (he had just passed sixty years), and something of the same calmness and happiness seemed to have come over Anglo-American relations. He, the philosophical historian of his country's early years of independence, carrying "every scene of it, in a century and a half since the Stamp Act, quite alive in his mind—all the interminable disputes of his disputatious ancestors as far back as the year 1750"—now saw the peace and friendship of the two English-speaking peoples return in the fullness of time. He was the last survivor of the

¹ Long, *op. cit.*, II, 112-13. Cp. Latané, *America as a World Power*, p. 38.

² The text of the telegram and the proofs of its consideration in the German Foreign Office (Auswärtige Amt) are given in *Die Grosse Politik der Europäischen Kabinette* (1923), XI Band, pp. 31-2.

American Legation of 1861, and now nearly forty years onward he felt the satisfaction that comes from "the sense of winning one's game."

For this they [the Adams family] had written libraries of argument and remonstrance, and had piled war on war, losing their tempers for life, and souring the gentle and patient Puritan nature of their descendants; . . . and suddenly, by pure chance, the blessing fell on Hay.

Adams thought that Hay was lucky in the moment at which he became Ambassador; for "to Adams, still living in the atmosphere of Palmerston and Lord John Russell, the sudden appearance of Germany as the grizzly terror which in twenty years effected what Adamses had tried for two hundred in vain—frightened England into America's arms—seemed as melodramatic as any plot of Napoleon the Great." It was a high satisfaction to this patrician to sit at Hay's table and hear British Cabinet Ministers—they all talked in the same strain—cooing approval of the annexation of the Philippines: "the family work of a hundred and fifty years fell at once into the grand perspective of true empire-building." He admitted, however, that the diplomacy of Hay was not merely a coping-stone, but rather the key-stone which finally perfected the arch. "In the long list of famous American Ministers in London, none could have given the work quite the completeness, the harmony, the perfect ease of Hay."¹

The success of Hay's ambassadorship was due, doubtless, in part to favouring circumstances, but largely to his own qualities, his strong common sense, his absolute honesty, and (for personal considerations count for much in this world) to his delightful personality. He was a man of the world in the best sense, affable, amiable, approachable. He dispensed his ample resources with the easy affluence of the true aristocrat, the complete absence of self-consciousness; and he had a sense of humour that never failed him. He fell into the way of the traditional etiquette of the old diplomatic society of England and France without in any way sacrificing his humanity, his friendliness, his simplicity.

¹ *The Education of Henry Adams*, p. 363.

CHAPTER XXVI

HAY AND ROOSEVELT

William McKinley, during his second tenure of the Presidency, was assassinated at Buffalo on September 6, 1901. His last public address (on September 5) had been a plea for international co-operation and harmony, with a view to which he advocated reciprocal tariff arrangements between States. The Vice-President, Theodore Roosevelt, took his place, without election, according to the provisions of the Constitution. By this time the Canal Treaty had been signed, the Alaskan boundary was in a fair way to be settled, but the Anglo-Boer War was still going on, and unfortunately aroused ill-feeling in the United States. However, the war was over in the year following Roosevelt's entry into the Presidency.

Hay was very disappointed at the attitude of some of the American public towards Great Britain during the Boer War. When he "went to his desk" at the State Department in October, 1898, he would have been quite ready, apparently, to make a treaty of alliance with Great Britain, but "it could never get through the Senate," he said. Then the Boer War came (October, 1899-May, 1902), and feeling became worse.

As long as I stay here [he wrote to the Secretary of the American Embassy in London, Henry White, on September 24, 1899] no action shall be taken contrary to my conviction that the one indispensable feature of our foreign policy should be a friendly understanding with England. But an alliance must remain, in the present state of things, an unattainable dream.¹

He was so earnest in his desire to remain in friendship with Great Britain that his political opponents accused him of having made a secret treaty of alliance. Hay rebutted the ridiculous charge easily; but he had strong words for the anti-British people who wantonly tried to stir up trouble.

¹ Thayer, *The Life and Letters of John Hay*, II, 221.

Whatever we do, Bryan will attack us as slaves of England. All their [the Democratic] State conventions put the anti-English plank in their platform to curry favour with the Irish (whom they want to keep) and the Germans (whom they want to seduce). It is too disgusting to have to deal with such sordid liars.

(To Henry White, September 9, 1899).¹

Hay deplored the defeats which British troops suffered in the early months of the war. "The serious thing," he wrote to Henry Adams in June, 1900, "is the discovery—now past doubt—that the British have lost all skill in fighting; and the whole world knows it, and is regulating itself accordingly." A certain Bourke Cockran wrote to the President what Hay described as a "fool letter," demanding that the United States should side with the Boers. It fell to Hay to reply. "I declined," he wrote to Henry White, "to reply to it, except by acknowledging receipt." He wholeheartedly backed Great Britain's cause in South Africa: "Sooner or later her influence must be dominant there, and the sooner the better" (to Henry White, September 24, 1899). Hay was acting both from conviction and from gratitude. His biographer thinks that Joseph Chamberlain had told him of a remark made by the Kaiser Wilhelm II to an Englishman, referring to the Spanish-American War: "If I had had a larger fleet, I would have taken Uncle Sam by the scruff of the neck."² Hay was now paying Great Britain back for her benevolent neutrality in 1898.

Before the Boer War began, the United States and the British Governments had resumed negotiations on the old question of an interoceanic canal. Doubtless the particular importance in international relations after 1890 of affairs in the Far East, and especially the rise of Japan, had something to do with the re-emergence of the Canal Question in an acute form.

The French Construction Company which had the concession from Colombia for making a Panama Canal finally collapsed in 1888. Since then the opinion in the United States had been coming more and more to favour the view that the United States should itself make and own the Canal. But the famous Clayton-Bulwer Treaty of 1850 still stood in the way, saying that neither Great Britain nor the United States "will ever obtain or maintain for itself any exclusive control over the said Ship-canal." The treaty also contemplated the construction of the Canal by a private company or

¹ Thayer, *op. cit.*, II, 220.

² *Ibid.*, 279.

corporation. All other friendly States were to be invited to enter into the stipulations of the treaty.

By the end of the nineteenth century, however, the United States Government had sufficient resources of its own with which to make the Canal. But if it was to make and own the Canal it must get the Clayton-Bulwer Treaty out of the way. So Hay, as soon as the Spanish-American War was over, initiated negotiations with Great Britain. He made no attempt, as Blaine had done, to try and explain away the treaty : he accepted it as a fact and asked frankly for its suppression.

Acting on instructions from Hay, the Secretary of the United States Embassy, Henry White (Choate had not yet been appointed Ambassador) paid a visit to Lord Salisbury at Hatfield in December, 1898. The diplomatist and the statesman had some conversation in the library at Hatfield after breakfast. Lord Salisbury agreed in principle to the American proposal, stipulating only that the tolls to be levied on the Canal should be the same for all nations using it. He suggested that the British Embassy at Washington and the State Department might take up the negotiations. After this conversation, Mr. White went out for a day's shooting with Lord Salisbury and his lordship's sons ; and in the evening he sent off a cable-message to Washington.

The result of the White-Salisbury interview was that Hay and Pauncefoot took up the Canal question at Washington, and worked out an agreement. " Sir Julian's conduct in the matter has been everything that we could desire," wrote Hay to White on February 14, 1899. The agreement required time, however, and was not signed until February 5, 1900, by Hay and Pauncefoot ; it permitted the United States Government to construct a Canal with the exclusive right of regulating and managing it ; but the Canal was to be free and open in times of war and peace ; there was to be no discrimination against any nation or its citizens in respect to charges for traffic ; the Canal was never to be blockaded, nor was any act of hostility to be committed within it.

The Senate rejected this Convention on the ground that it would prevent the United States from fortifying the Canal. The British Government, on the other hand, and the Central American States, who were vitally interested in the Canal undertaking, set great store by the condition preventing fortification. Oddly enough too, although the public of the United States wanted the British Govern-

ment to make the great concession, it was at the same time showing rather high ill-feeling, largely on account of the Boer War. There was, wrote Hay, "a mad-dog hatred of England." However, Hay was above this prejudice; and the British Government was all kindness. On November 18, 1901, Lord Pauncefote (a peer since 1899) and the Secretary of State signed a treaty, substantially the same as that of the previous year, providing for neutralisation of the Canal, and for equal dues to all nations or their citizens using it, but with an important addition. This was the last sentence in the following clause:

The Canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. *The United States, however, shall be at liberty to maintain such military police along the Canal as may be necessary to protect it against lawlessness and disorder.*¹

The Treaty, thus improved, passed the Senate in the following month, and was proclaimed by President Roosevelt on December 26. The clause about military policing of the Canal has been, the leading historian of American diplomacy says, liberally interpreted by the Government of the United States.² Nevertheless, the vessels of war as well as of commerce of all nations who observe the rules of the treaty are free to go through the Canal at all times.

The Canal negotiations were complicated by the fact that the United States and Great Britain had a dispute going on at the same time about the frontier of Alaska. Hay wanted to keep the questions of Alaska and the Canal quite separate, and rightly so. The British Government agreed with this view; there was to be no trading of one thing against another. So the Canal Question was seriously tackled and disposed of. Then came Alaska.

This was a controversy which the two Governments had included in the twelve points to be dealt with by the Joint High Commission of 1898-9; but the Commission came to an end without accomplishing anything. The point at issue arose out of the Russo-British Treaty of February 28, 1825, which stated that the frontier was to run along the crest of the mountains between Alaska and Canada,

¹ Hay-Pauncefote Treaty, November 18, 1901, Article III, Clause 2. The last sentence, as printed in the Treaty, is not in italics.

² Fish, *American Diplomacy* (ed. 1923), pp. 436-7. Cp. Latané in *Annual Report of the American Historical Association*, 1902, vol. I, p. 302: "The terms of the Hay-Pauncefote Treaty are so ambiguous that the United States will have pretty much her own way in regard to the Panama Canal."

at a distance of thirty miles from the Ocean. The controversy between Great Britain and the United States was now "whether the strip of coast which by the Treaty is to belong to Russia [and to the United States after 1867] runs around the shores of the inlets or across their mouths."¹ If the frontier were drawn parallel to the Ocean, at a distance of thirty miles from the extreme tip of each promontory, it would cross the water of several Alaskan bays; and the Canadians would thus obtain access to the salt water of the Alaskan coast. But, according to the view of the United States, the frontier should go parallel to the Ocean, and at a distance of thirty miles from it at every point, thus shutting off the Canadians completely from the Alaskan salt water.

On grounds both of reason and of treaty-interpretation, the view of the United States appears, on the whole, the better; on grounds of reason, because the men who made the Treaty of 1825 can scarcely have meant to cut Russian Alaska into several different portions, as would have happened if the frontier line ran across the promontories and mouths of bays; on grounds of treaty-interpretation, because of the words of the treaty of 1825: "the fringe (*lisière*) of coast mentioned as having to belong to Russia shall be formed by a line *parallel to the sinuosities of the coast*, and which can never be farther away from it than ten marine leagues." The intention of this stipulation is not absolutely clear, and there was room for an honest difference of opinion; but now that the decision has gone in favour of the United States few people, probably, will be prepared to question it.

It was not until January 24, 1903, that the Convention for the adjudication of the Alaskan boundary was signed by Secretary Hay and Sir Michael Herbert. Lord Pauncefote had died at his post in Washington in 1902. Sir Michael Herbert had been *chargé d'affaires* at Washington after the Sackville incident, and again in 1892-3. During his short period as Ambassador (he died on September 30, 1903) he proved as good as Lord Pauncefote in smoothing away difficulties. The Convention of Washington provided ingeniously for a Commission of six members, three to be nominated by Great Britain and three by the United States. Thus if, in making its final report, the Commission was equally divided, there would be no decision. The Convention stated that the final award was to be

¹Mr. Choate to the Marquis of Salisbury, January 22, 1900, in *Parliamentary Papers*, 1904, CXI, p. 16.

made by the decision of "a majority of all the members." Accordingly a decision could only be reached if one of the members was convinced by the arguments of the other side; and when such a thing happens, the other side is probably right.

But if the Commission, as might easily happen, was equally divided, what could ensue? The answer is contained in a letter which President Roosevelt wrote to Justice Oliver Wendell Holmes. This eminent American was going abroad for the summer, and he was authorised "indiscreetly" to show the letter to Mr. Chamberlain and Mr. Balfour.

If there is a disagreement, I wish it distinctly understood, not only that there will be no arbitration of the matter, but that in my message to Congress I shall take a position which will prevent any possibility of arbitration hereafter; a position . . . which will render it necessary for Congress to give me the authority to run the line as we claim it, by our own people, without any further regard to the attitude of England and Canada.¹

This meant that the Joint Commission would decide in favour of the United States, or else that the United States would take the disputed territory by force. There was no other alternative: there was no possibility of the Commission deciding by a majority in favour of Great Britain, because, as President Roosevelt admitted, he had appointed as American Commissioners "men who had already committed themselves on the general proposition." The three Americans, Messrs. Lodge, Root, and Turner, were almost as certain to vote in favour of the United States as the sun was certain to rise on the following morning. This being so, it is difficult to see why the British Government ever consented to go to a tribunal of six without neutral members or provision for a casting vote. It looks as if the British Government had no great confidence in its "case," and chose the Commission merely as a means of possibly affording itself a dignified method of surrender.

The appointed British Commissioners were Baron Alverstone, Lord Chief Justice of England; Sir Louis Amable Jetté, Lieutenant-Governor of the Province of Quebec; and Allen Bristol Aylesworth, a prominent Canadian lawyer. The Commissioners appointed by the President of the United States were Senator Henry Cabot Lodge, ex-Senator George Turner of Washington, and Elihu Root, Secre-

¹ Quoted in W. M. Thayer, *Theodore Roosevelt* (1919), p. 176.

tary of War. These Commissioners, who according to the Hay-Herbert Convention had to be "impartial jurists of repute," took the oath prescribed in the Convention that they would "impartially consider the arguments and evidence presented to the tribunal," and that they would each "decide thereupon according to his true judgment." They gave their award on October 20, 1903, and decided in favour of the contention of the United States, by a majority of four to two, Sir Louis Jetté and Mr. Aylesworth being the two dissentients. Thus there was to remain in the exclusive possession of the United States in Alaska a "fringe or strip of coast on the mainland not exceeding ten marine miles in width, separating the British possessions from the bays, ports, inlets, havens and waters of the Ocean."

Hay's work was now nearly done. The Alaskan affair had been difficult, and was conducted not altogether according to Hay's bland methods of diplomacy. President Roosevelt was becoming dynamic. Hay, however, continued at the State Department without friction. His last act was to set the seal upon a policy which he had steadily pursued, that of preventing an international struggle for the partition of China. As far back as the summer of 1899 he had assured, for a time at least, the Open Door. In August, 1900, a joint Expeditionary Force of British, Russians, French, Germans, Austrians, Italians, and Americans, had relieved the Foreign Legations besieged by the Boxers in Peking. Demands for indemnities in the form of territory might have followed, but Hay's Circular Note on the Open Door, issued from the State Department (September 6, 1899), made this impossible. Great Britain had been the first to accede to the Note. The other Powers followed suit.

In 1905, the last year of Hay's life, the Russo-Japanese War was going on; once more the integrity of China was jeopardised, and the prospect of international claims and contentions which might produce an international war was revived. On January 13, Hay issued another Far Eastern Note from the State Department. This Note contained a proposal for "a self-denying agreement," to the effect that none of the neutrals should claim compensation in China for any gains which the belligerents might make. There is little doubt that Hay reckoned on generous support from the British Government. "I sent the 'self-denying' circular this morning and wired Choate that we hoped the British Government would join, and told him to let Lord Lansdowne [Secretary of State for Foreign

Affairs] know the disposition of Germany towards it.”¹ A few days later Mr. Choate got into touch, by wire, with Lord Lansdowne at Bowood. He received from the Foreign Secretary a telegram : “ Full concurrence.” Hay received the message on January 18. Apparently the Kaiser Wilhelm II (who had acceded to the self-denying Note on the 13th) had used the occasion to try and put the Entente Powers into the bad books of the United States. He had informed the German Ambassador at Washington, Freiherr Speck von Sternburg, that he suspected a combination of Great Britain, France and Russia “ for the spoliation of China.”² Hay was not to be drawn aside from his close relations with Great Britain : “ What the whole performance meant to the Kaiser it is difficult to see. But there is no doubt that we have scored for China.” This was written in Hay’s *Diary* on January 20, the same day as the assent of the German Government to the American proposal arrived.

Hay died in office on July 1, 1905. Henry Adams said that he was the first “ man of the world ” who had ever been made Secretary of State. He can rank with William III, Edward VII, and a few others, as one of the statesmen who were both national and European, who had the truly wide outlook. Yet no man could be more modest about his achievements. On his first appointment to the State Department, when he was leaving the London Embassy, he wrote to Senator Lodge, already a great authority on foreign affairs : “ I am looking forward to many a long talk with you in the future, with Hay unto Lodge uttering speech, and Lodge unto Hay showing knowledge.” To Roosevelt he had also written : “ There are many things of which I would fain discourse unto you. . . . We may have our will of them over a pipe and a bottle. I neither drink nor smoke nor talk, but it sounds jovial.” As a matter of fact, Hay talked very well, although not so much as Roosevelt.

Hay was sometimes twitted, even attacked, for being so friendly with Great Britain. The accusation appealed to his sense of humour. “ All that I have ever done with England,” he wrote, “ is to have wrung great concessions out of her without compensation.” Perhaps the bargaining had not been quite so one-sided : at any rate, he had made an epoch in Anglo-American relations :

¹ Hay’s *Diary*, January 13, 1905, quoted by Thayer, *The Life and Letters of John Hay*, II, 387.

² Thayer, *Life of Hay*, II, 387.

I really believe that in all history I never read of a man who had so much and such varied success as I have had, with so little ability and so little power of sustained industry. It is not a thing to be proud of, but it is something to be very grateful for.¹

This was Hay's modest verdict upon himself. Posterity judges better.

¹ Thayer, *Life of Hay*, II, 408. Cp. A. C. Coolidge, *The United States as a World Power* (1908), p. 94 ff.

CHAPTER XXVII

ROOSEVELT

Theodore Roosevelt was born on October 27, 1858, at Number 28, East Twentieth Street, New York. He came from a prosperous old New York family, every member of which, after the first settler of 1644, was born on Manhattan Island. His early days were the exact opposite of those of Presidents Lincoln or Garfield, who were born in circumstances of poverty. Roosevelt, from the first, had every advantage that wealth could give.

He was described as "a tall thin lad with bright eyes, and legs like pipe-stems." He was asthmatic. Change of air and scenery, and physical exercise, enabled him to grow into a man of powerful physique. Yet as a boy he was too delicate to be sent to school. He had excellent tutors, and read a good deal and kept pets, and developed a great fondness for natural history. Twice he was taken by his father with the whole family to Europe. When the second journey was made Roosevelt was fourteen years old. He spent a summer (1873) with his brother and sisters in the house of a German family at Dresden. He always looked back with pleasure to this time spent among the kindly Saxons, in the springtime of the German Empire.

He had four years at Harvard, where the intense collegiate life—it had only eight hundred students in those days—made, naturally, a vivid impression on him. Then, without much trouble, being a rich, well-connected and ardent young man, he obtained election to the lower house of the New York Legislature. His period as Assemblyman coincided with the period of Grover Cleveland's Governorship (1882-3). Roosevelt began his long efforts to purify New York political life. He formed a deep knowledge of conditions in the city and of its history; a few years later he was able, on the invitation of the English historian Freeman, to write a delightful and instructive book on New York for the series of *Historic Towns*.

After the session of 1883 in the New York Assembly, Roosevelt

went to a ranch in North Dakota for about three years. In 1886 he visited England, and was married in St. George's, Hanover Square; his best man was Cecil Spring-Rice, afterwards British Ambassador to the United States. On his return from Europe, Roosevelt and his wife went to the country-house which he had built at Oyster Bay, Long Island. There he engaged in literary work for two years, completing, among other things, the *War of 1812*. After this came six years' duty on the Civil Service Commission to which he was nominated by President Cleveland, a Democrat, while Roosevelt was Republican. In 1895 he became Police Commissioner of New York. He held this post until 1897, when President McKinley made him Assistant-Secretary of the Navy. It is said that his resignation as Police Commissioner was regretted by all New York, except the criminals and Tammany.¹

When the Spanish-American War broke out in May, 1898, Roosevelt held his position as Assistant-Secretary of the Navy until Admiral Dewey captured Manila. Then he resigned and with Colonel Leonard Wood (Roosevelt being made Lieutenant-Colonel) raised a regiment of Rough Riders in Texas, and went on service with them in Cuba. When Wood was promoted Brigadier-General, Roosevelt became Colonel of the regiment. It served honourably, and suffered a considerable number of deaths in the campaign. "Every war breeds a President,"² and Roosevelt was marked out by his services in Cuba. He became a reforming Governor of New York, and then (some people say, in order to prevent him from getting a second term as Governor) was elected Vice-President of the United States. This post is usually filled by a distinguished citizen whom his party desires to honour with the second highest office that it can confer. The lamented death by assassination of President McKinley in September, 1901, made the Vice-President suddenly supreme magistrate. He filled the office with distinction during the remainder of the period for which McKinley had been elected, and obtained re-election for a second term in November, 1904.

Until the summer of 1905 John Hay was President Roosevelt's Secretary of State. The policy of the two men was strictly a joint policy, with the President's hand getting gradually stronger. After Hay's death in July, 1905, the position of Secretary of State was given to Mr. Root. In the President's judgment Root was "the

¹ W. M. Thayer, *Theodore Roosevelt* (1919), p. 105.

² Thayer, *Life of Roosevelt*, p. 131.

greatest intellectual force in American public life since Lincoln." His genius lay in law, and probably in international law more than in international politics. Consequently President Roosevelt's influence upon diplomacy became very marked.

The diplomatic representatives of Great Britain and the United States were Sir Mortimer Durand in Washington, and Mr. Whitelaw Reid in London. For the last three months of his life, April, May, and June, 1905, John Hay, although still Secretary of State, was ill, in Europe. Consequently President Roosevelt acted practically as his own Secretary of State; and after Hay's death he continued to initiate all policies.

The year 1905 was the busiest in Roosevelt's life. He kept in the closest touch with the Ambassadors of all the Powers at Washington, and corresponded directly with King Edward VII and the Emperor Wilhelm II. His great object in this year was to induce the Russians and Japanese to make peace with each other. He held that the two peoples were wearing themselves out in the war, and that they and the whole world were suffering. "It seems to me," the President wrote to King Edward VII, "that if Russia had been wise she would have made peace before the Japanese took Mukden. If she waits until they are north of Harbin, the terms will certainly be worse for her. I had this view unofficially conveyed to the Russian Government some weeks ago."¹ The French Government was suggesting that a European Congress should meet to try and arrange peace. Roosevelt favoured direct negotiations between the two belligerents. Wilhelm II was of this opinion too, because he feared that a Congress under French auspices would result in some combination against himself. The British Government, rather unexpectedly, favoured Roosevelt's proposal also. The President wrote to Hay: ²

The Kaiser has become a monomaniac about getting into communication with me every time he drinks three penn'orth of conspiracy against his life and power; but as has been so often the case for the last year, he at the moment is playing our game—or, as I should more politely put it, his interests and ours, together with those of humanity in general, are identical. He does not wish a congress of the Powers to settle the Japanese-Russian business. As things are at present I cordially agree with him, and I find that the British and Japanese

¹ To King Edward, March 9, 1905, in J. B. Bishop, *Theodore Roosevelt* (1920), I, 376.

² April 2, 1905, Bishop, *op. cit.*, I, 378.

Governments take the same view. The Kaiser is relieved and surprised to find that this is true of the English Government. He sincerely believes that the English are planning to attack him and smash his fleet, and perhaps join with France in a war to the death against him. As a matter of fact, the English harbour no such intentions, but are themselves in a condition of panic terror lest the Kaiser secretly intend to form an alliance against them with France or Russia, or both, to destroy their fleet and blot out the British Empire from the map! It is as funny a case as I have ever seen of mutual distrust and fear bringing two peoples to the verge of war.

At last the Japanese and Russian Governments consented to negotiate together. Late in July, 1905, their delegates arrived in the United States. The Peace Conference took place at Portsmouth in New Hampshire, but made very little progress. President Roosevelt made several efforts, through Sir Mortimer Durand at Washington, and through Mr. Whitelaw Reid in London, to induce the British Government, the neutral Ally of Japan, to advise the Japanese to make peace. King Edward VII seemed favourable to this proposal of the President, but Lord Lansdowne, the Secretary of State for Foreign Affairs, felt that he could scarcely bring pressure to bear on the Japanese to act against their own wishes or interests. Mr. Roosevelt was disappointed with this attitude: to Henry White (American Ambassador in Italy) he wrote that "the English Government has been foolishly reluctant" (August 23, 1905). By August 27, peace was despaired of: the Conference looked like breaking up, for the Japanese were insisting on receiving an indemnity and, in addition, the island of Saghalien. The President made one last effort. He proposed that no indemnity should be paid, but that the southern half of Saghalien should be ceded. The Japanese reluctantly agreed to be satisfied with this. The President sent the terms and the announcement of the Japanese assent to the Kaiser Wilhelm II, who passed the message on to the Tsar.

"Success crowned this last appeal."¹ The Treaty of Portsmouth was signed on September 5, 1905. King Edward VII said to Ambassador Whitelaw Reid, at a luncheon on September 11, that he "was simply lost in admiration for the President." Although Mr. Roosevelt had expressed disappointment at the British attitude, he acknowledged that they had helped in the final result. On the same day as King Edward made his remark to Whitelaw Reid at luncheon, the President wrote to the Ambassador:

¹ Bishop, *op. cit.*, I, 411.

The Kaiser stood by me like a trump. I did not get much direct assistance from the English Government, but I did get indirect assistance, for I learned that they forwarded to Japan my note to Durand, and I think that the signing of the Anglo-Japanese Treaty made Japan feel comparatively safe as to the future.¹

The diplomatic relations of President Roosevelt with Germany seemed inevitably to bring in Great Britain. This was so in both the affair of Venezuela in 1902-3, and in the affair of Algeciras in 1905.

The Venezuelan affair occurred during Hay's Secretaryship, but he had practically nothing to do with it. General Cipriano Castro, the President of Venezuela, spent his years of office largely in quarrelling over questions of the rights of property with every State of Western and Central Europe, as well as with the United States. Six or seven British merchant ships with their cargoes had been seized by the Venezuelan gunboats, on charges either of smuggling or of assisting revolutionaries. The Venezuelan Government simply refused to discuss with the British Government the justice of these acts.

In reply to the inquiries transmitted through Mr. Haggard, the British Minister at Caracas, the Acting Foreign Minister of Venezuela replied :

The Chief of the Executive Power is surprised both at your Excellency's putting forward these facts, and at the general tone of your note ; and in spite of all the questions which it raises, he does not consider it advisable to answer it immediately.²

It became clear that General Castro, safe among the mountains at Caracas, was really cracking his fingers at Great Britain. The German Government, which also had claims against Venezuela, offered to join with Great Britain in presenting an ultimatum.³ The British and German Notes were presented simultaneously on December 7 (1902). The Notes were rejected. Consequently on

¹ Bishop, *op. cit.*, I, 415. The Anglo-Japanese Alliance, first made in 1902, was renewed on August 12, 1905. The United States Government was officially informed by the British Government of the Treaty, but "made no comment upon it." Hansard, *Parliamentary Debates*, Fourth Series, vol. 102, p. 1280 (February 13, 1902).

² Señor Baralt to Mr. Haggard, August 2, 1902, in *Parliamentary Papers*, 1902, CXXX, p. 692.

³ Latané, *America as a World Power*, p. 273. Hansard, *Parliamentary Debates*, Fourth Series, vol. 107, p. 282 (February 16, 1903).

the 8th the Ministers of the two Powers were withdrawn from Caracas, and British and German ships were sent to blockade La Guayra and certain other Venezuelan ports.¹ The Italian Government also sent one warship to participate in the blockade. Castro apparently relied upon the Monroe Doctrine to give him immunity.

It is now clear, from papers made public in 1916, that President Roosevelt believed Germany to be the leader of this combination. Further, he believed that Germany really designed, under cover of the international blockade, to occupy Venezuelan territory, and he thought that he could get Great Britain to see whither she was being led and to withdraw.

I speedily became convinced that Germany was the leader, and the really formidable party in the transaction; and that England was merely following Germany's lead in rather a half-hearted fashion. I became convinced that England would not back Germany in the event of a clash over the matter between Germany and the United States, but would remain neutral; I did not desire that she should do more than remain neutral. I also became convinced that Germany intended to seize some Venezuelan harbour and turn it into a fortified place of arms, on the model of Kiauchau, with a view to exercising some degree of control over the future Isthmian Canal, and over South American affairs generally.²

President Roosevelt "had no objection whatever to Castro's being punished," but he was not going to allow any seizure of territory by an Old World Power, and he was particularly sensitive with regard to any territory near the zone of the projected Canal. First, therefore, he had to get Great Britain to consent to withdraw from the blockade (and Italy would probably withdraw too), and then he would offer to Germany, thus left alone, the alternative of withdrawal or war.

The blockade of La Guayra and the mouth of the Orinoco went on, so far as Great Britain was concerned, from December 20, 1902, to February 14, 1903.³ Almost immediately after it began, Venezuela (which before the blockade had refused to arbitrate) asked for arbitration, supported in this proposal by President Roosevelt's good offices. Great Britain and Germany agreed to this proposal,

¹ *Parliamentary Papers*, 1903, LXXXVII, pp. 883-7. The blockade actually began on December 20, 1902 (*ibid.*, p. 897). But Venezuelan ships were seized by British warships from the 9th, i.e. after the expiry of the Ultimatum (*ibid.*, p. 911).

² Roosevelt to W. M. Thayer, August 21, 1916, in Bishop, *op. cit.*, I, 222.

³ *Parliamentary Papers*, 1903, LXXXVII, pp. 897, 944.

subject to certain conditions respecting old claims and subject to certain financial guarantees on the part of Venezuela. The Italian Government also agreed to go to arbitration without making any condition except that it should receive the same treatment as the other two blockading Powers. Although not fully satisfying the conditions laid down by Great Britain and Germany, the Venezuelan Government made concessions which the British Foreign Office considered to provide sufficient basis for a settlement. Consequently Lord Lansdowne transmitted orders by cable on February 14 for the raising of the blockade by British ships. Thus, so far as Great Britain was concerned, the Venezuelan affair was ended. On May 7, 1903, a Protocol was signed between British and Venezuelan representatives at Washington for reference of the disputed claims to the International Tribunal at The Hague. Similar Protocols were signed on the same day by the German and Italian representatives. The other States—Sweden, Belgium, France, Spain, the Netherlands, Mexico, the United States—which, although they had remained neutral, had claims against Venezuela, also signed Arbitration Protocols. The Arbitral Award was given at The Hague on February 22, 1904, by Messieurs Muravieff, de Martens, and Lammasch, and was satisfactory to the Three Powers.¹ The Tribunal made one curious statement, namely: that “after the war between Germany, Great Britain and Italy on the one hand, and Venezuela on the other hand, no formal treaty of peace was concluded between the belligerent Powers.”

According to the copious official correspondence, printed in the Papers presented to Parliament, the course of the Venezuelan affair was quite normal. As The Hague Tribunal stated, (1) “since 1901 the Government of Venezuela categorically refused to submit its dispute with Germany and Great Britain to arbitration which was proposed several times”; (2) there ensued thereupon “military operations undertaken by Germany, Great Britain, and Italy against Venezuela”; and (3) the dispute was finally referred to “the Tribunal of Arbitration, constituted in virtue of the Protocols signed at Washington on the 7th of May, 1903,” and was settled by this Tribunal.

But this normal development of the dispute from its inception to its settlement by arbitration was only superficial. As far as is known, the British Government agreed to desist from the blockade

¹ Text of Award in *Parliamentary Papers*, 1904, CXI, pp. 116-19.

and to go to arbitration because it was satisfied that its claims would be fairly dealt with at The Hague. But, according to the letter (already quoted) of President Roosevelt (which was not published until 1916) Germany was only induced to desist from the blockade by Roosevelt's definitely intimating that the United States would go to war with her.

After Great Britain and Germany had withdrawn their Ministers from Caracas on December 8, 1902, and were proceeding to capture the Venezuelan gunboats, Roosevelt, having become "convinced that Germany was the leader," and was aiming at territorial conquest, asked Herr von Holleben, the German Ambassador, to come and see him. The date of this interview was some time between December 8 and 18. At the same time Admiral Dewey, with his squadron at Porto Rico, was given orders to be "ready to sail at an hour's notice." Herr von Holleben came and saw the President alone, whose account of the interview was:

I saw the Ambassador, and explained that in view of the presence of the German Squadron on the Venezuelan coast, I could not permit longer delay in answering my request for arbitration, and that I could not acquiesce in any seizure of Venezuelan territory. The Ambassador responded that his Government could not agree to arbitrate, and that there was no intention to take "permanent" possession of Venezuelan territory. I answered that Kiauchau was not a "permanent" possession of Germany—that I understood that it was merely held by a ninety-nine years' lease; and that I did not intend to have another Kiauchau, held for a similar tenure, on the approach to the Isthmian Canal. The Ambassador repeated that his Government would not agree to arbitrate. I then asked him to inform his Government that if no notification for arbitration came within a certain specified number of days, I should be obliged to order Dewey to take his fleet to the Venezuelan coast and see that the German forces did not take possession of any territory.

The Ambassador expressed "grave concern" at this, and said that the consequences might be so serious that he dreaded to give them a name. President Roosevelt, however, did not shrink from giving the all too likely consequences a name: he produced a map with the Caribbean Sea on it, and said that there was no more unsuitable spot for Germany to choose for a "conflict with the United States."

The German Ambassador called a few days later, but without any answer from his Government. The President then remarked that it would be useless to wait as long as he had intended, and that

"Dewey would be ordered to sail twenty-four hours in advance." Before this time arrived, the German Embassy brought a message that the Emperor agreed to go to arbitration.¹ Dr. von Holleben was considered by the German Government to have bungled badly and was withdrawn in disgrace from the Embassy. He was succeeded by Baron Speck von Sternburg, whom Roosevelt called an "honest, brave little gentleman."²

That Germany had meant with the help of the British Government to defy the United States, and considered that Great Britain had left her in the lurch, is indicated by an Associated Press dispatch (apparently "inspired") from Berlin, published on December 19, 1902 :

The answer of Germany to the arbitration proposal on behalf of Venezuela, received through the United States, is its acceptance. . . . Four days ago the German Government was in favour of rejecting arbitration, and that is understood to have been the temper of the British Foreign Office also. While it is impossible to trace the steps which led to the reversal of this view, it appears that it was caused by the state of public opinion in the United States.³

The publication in 1920 of the *Life of Roosevelt*,⁴ with a selection from his confidential correspondence, has added greatly to the existing knowledge about the Algeciras Conference of 1906. The critical question throughout the year 1905 had been whether France would accede to Germany's demand for a Conference or not. If France refused, war was plainly threatened by Germany. It is known that Great Britain was prepared to support France if she rejected the German proposal for a Conference. What was not known until the publication of the *Life of Roosevelt* was that it was the President of the United States who turned the scale in favour of peace.

The crisis arose out of the Convention of April 8, 1904, between France and Great Britain, concerning Morocco. This was one of the three Anglo-French Conventions, which together constituted the written obligations of the Dual Entente. Great Britain conceded to France a free hand in Morocco, on condition of equality for all nations in respect of Moroccan Customs dues, and subject also

¹ Text of Roosevelt's Letter of August 21, 1916, is in Bishop, *op. cit.*, I, 221-6. Confirmatory letters are also quoted by Mr. Bishop from Admiral Dewey and from a friend of the German Consul-General at New York.

² To Whitelaw Reid, April 28, 1906, in Bishop, *op. cit.*, I, 489.

³ Quoted in Bishop, *op. cit.*, I, 226.

⁴ By J. B. Bishop.

to special treatment for Spain. When, however, the French Government proceeded, on the basis of the Anglo-French Convention, to negotiate a Treaty of Protection with the Sultan of Morocco, the German Emperor intervened. He journeyed to Tangier and made a public speech there, proclaiming that Germany's interests in Morocco must not be disregarded (March 31, 1905).

The next step of the German Government was to demand that the status of Morocco should be settled, not by France and Spain, but in a Conference of all the States who had signed a previous Moroccan Convention, that of 1880.

The British and French Governments took this demand at something more than its face value; they believed that it was meant as a deliberate challenge to the newly-formed Entente; and, on the whole, they were inclined to accept the challenge, that is to say, to reject the German demand for a Conference, and to settle accounts with Germany then and there, by war, if Germany insisted on her demand.

That the German demand for a Conference in Morocco was really something far deeper, namely, a deliberate challenge to the Entente, is proved by the Roosevelt papers. On March 6, 1905, Baron Speck von Sternburg, after presenting a Memorandum from his Government to the President, added:

Besides this, she [i.e. Germany] is bound to think of her national dignity. This makes it necessary for her to point out to France that her national interests cannot be disposed of without asking her for her consent and co-operation. Since (*sic*) thirty-five years Germany has been obliged to keep an armed defensive towards France. As soon as France discovers that Germany meekly submits to her bullying, we feel sure that she will become more aggressive in other quarters, and we do not consider a demand for a revision of the Treaty of Frankfort to be far off.¹

The British and French Governments presented a very stiff attitude towards the German demand. The Emperor himself obviously preferred, if possible, to have a Conference rather than a war at this time. Through Speck, he informed Roosevelt: "he believed that the attitude of England would depend upon the attitude of the United States." The Emperor, further, asked the American Government "to tell England that we [America] thought there should be a Conference" (April 13).

¹ Bishop, *op. cit.*, I, 468-9. The Treaty of Frankfort, May 10, 1871, at the end of the Franco-German War, ceded Alsace-Lorraine to Germany.

As the days passed, it became more and more clear to Roosevelt that the peace of Europe hinged upon the action of the United States. On April 25 (Roosevelt noted), Speck again wrote to the President: "that the Emperor would be most grateful to me if I would intimate to England that I would like to see her and Germany in harmony in their dealings with Morocco." On May 13 Speck wrote again, complaining that Great Britain was opposing the proposal for a Conference, and asking Roosevelt to give her a hint to "drop her opposition." Roosevelt did give the hint to the British Ambassador, but without effect: "I saw Sir Mortimer [on or about June 1, 1905] on the matter, but could get very little out of him." As far as Roosevelt could gather, the British Government wished France to reject the proposal for a Conference, "and was quite willing to face the possibility of war under such circumstances."

Evidently nothing could be done to weaken the attitude of "amiable Sir Mortimer" (as Roosevelt called him during these negotiations) or of the British Government. But simultaneously with his useless pressure upon Great Britain, President Roosevelt had been working hard, through Ambassador Jusserand at Washington, to induce the French Government to recede. If France would accept a Conference, Great Britain would do likewise. The British Government was not a principal in the dispute, which was between France and Germany. The final decision therefore lay with France.

M. Delcassé, the French Minister for Foreign Affairs in the Rouvier Cabinet, being assured of British support, was for rejecting the German demand. The critical session of the French Cabinet was held on June 6, 1905: M. Delcassé stated the issue: "decline the German offer to go to a Conference; England is supporting us. . . . Yield to-day, and you will have to yield to-morrow, you will have to yield for ever."¹ The Premier, M. Rouvier, however, would not accept the wager of battle, and he carried the rest of the Cabinet with him. The advice of President Roosevelt had turned the scale. M. Delcassé thereupon resigned his portfolio. On June 23, a Memorandum from the French Premier (who had assumed the portfolio of Foreign Affairs himself) was received by Ambassador Jusserand; it stated:²

¹ See Mowat, *History of European Diplomacy* (1922), p. 284.

² Text in Bishop, *op. cit.*, I, 478-9.

During his recent conversations with you, President Roosevelt came to the conclusion that however unjust it might be on the part of Germany to declare war under the present circumstances, it was nevertheless possible, and that it should be avoided by the use of conciliation, and that among the concessions which we might make a conference would without doubt be the least undesirable.

When communicating to the President our reply to the German note, be good enough to tell him that his ideas and advice inspired it.

Thus it was that the Conference of Algeciras was arranged. It met early in the following year, and established a *régime* for Morocco which solved the crisis for the next few years. In the biography of the President, written at the end of the Great War by his friend, Mr. W. M. Thayer, there is just a hint that if the President had known as much about Germany as Spring-Rice told him later, perhaps he would have let events take their course when the Kaiser first demanded the Conference¹ He may have thought a little wistfully of a message sent by King Edward VII. "You may remember," the President wrote to Mr. Taft during the Moroccan Affair, "the King's message to me through Harry White, and his earnest warning to me that I should remember that England was our real friend and that Germany was only a make-believe friend."² To Whitelaw Reid, Ambassador in London, he wrote just after the Algeciras Conference: "I am immensely amused at the European theory (which cannot, however, be the theory of the French Government) that I am taken in by the Kaiser." His own view was that "in this Algeciras matter . . . while I was most suave and pleasant with the Emperor, yet when it became necessary at the end I stood him on his head with great decision." He added: "I am very polite to him, but I am ready on an instant's notice to hold my own."³

¹ *Theodore Roosevelt, an Intimate Biography*, by W. M. Thayer (1919), p. 228.

² Bishop, *op. cit.*, I, 473.

³ *The Life of Whitelaw Reid*, by Royal Cortissoz, II, 332-3.

CHAPTER XXVIII

YEARS OF QUIET

President Roosevelt did not offer himself for election in 1908, but supported the candidature of William Howard Taft, who had been his Secretary for War. Mr. Taft was born at Cincinnati in 1857; his father was a distinguished graduate of Yale College, who ultimately became United States Attorney-General (under President Grant) and Minister to the Court of Austria, and, afterwards, of Russia. William H. Taft also graduated at Yale, and thereafter went from success to success, doing everything well that he touched, whether in his profession of the law, or in politics and administration, until he became, with Mr. Root, after the death of John Hay, President Roosevelt's right-hand man. History will class him with that select group of eminent public servants who, as the historian Tacitus said of the Emperor Galba, by the the judgment of all men would have been called capable of rule if they had never ruled. Mr. Taft by his ability, experience and achievements was marked out for the Presidency; yet, when his time came, he did not prove to be one of the *great* Presidents. On the other hand, except over the Panama Canal Tolls, he made no serious mistakes in foreign affairs; and relations with Great Britain were, on the whole, excellent. The British Ambassador at Washington in the years 1907-12 was James Bryce, afterwards Lord Bryce, an eminent politician and man of letters, the author of the best book on *The American Commonwealth*. In this work, which is replete with knowledge and judgment, the author described the United States with deep sympathy and appreciation; and the roseate hue which he cast over it all naturally evoked a congenial atmosphere around him at Washington. While Ambassador he frequently lectured in different large centres. Belonging to the Liberal or Whig school of politics, he undoubtedly did much to familiarise the American public with the ideals of modern British public life, of which he was the most voluminous exponent. In

1913 he was succeeded at the Embassy by Sir Cecil Spring-Rice, a professional diplomatist, imbued with the best traditions of the Foreign Office, having been early trained under Lord Granville himself.

Throughout all this time the London Embassy was held by Whitelaw Reid, whose life dated back to the year 1837, who had seen some service in the Civil War, and had succeeded the great Horace Greeley (in 1872) as editor of the *New York Tribune*. Whitelaw Reid was, in some ways, the public man most like John Hay. He was not a great statesman indeed, but he was a man of the world in the best sense: he had a European outlook, he was wealthy, cultured, influential. Before he came to Great Britain as regular Ambassador in 1905, he had been twice on Special Mission (in 1897 to the Jubilee Celebrations of Queen Victoria, and in 1902 to the Coronation of King Edward VII), and had been Minister to Germany and to France.

Reid came to his Embassy in London in June, 1905. The United States provided no quarters for its diplomatic representative, but Reid's ample means procured him a splendid home, Dorchester House, the stateliest of the Park Lane mansions. Some people in the United States thought that the magnificent household of their Ambassador in London was rather undemocratic, but President Roosevelt wholly approved. He wrote to Reid (November 13, 1905):

As for those criticisms upon your method of life—all I hope is that they bother you as little as they bother me. I think a man should live in such a position as he has been accustomed to live. It is as it is with my Cabinet here. If I found just the right man for a given Cabinet position and he happened to be a poor man, I should not in the least object to his living in the hall bedroom of a boarding-house. On the contrary, I should be rather pleased at it. On the other hand, as Root can afford a big house and can afford to entertain, I think it would be rather shabby, rather mean, if he lived in a way that would be quite proper for others—that would, for instance, be quite proper for me if I were in the Cabinet. I never feel in the least embarrassed because at Sagamore Hill, at my own house, we have a maid to wait on the table and open the door, instead of having a butler.¹

So Whitelaw Reid continued to dispense magnificent hospitality, with an appropriate retinue of butler and footmen. When not

¹ *The Life of Whitelaw Reid*, by Royal Cortissoz (1921), II, 303. For an account and criticism of the British and American Diplomatic Services, cf. J. D. Whelpley, *British-American Relations* (1924), chaps. XI—XIII.

entertaining guests at Dorchester House he was doing so at the country seat which he rented from Lord Lucas, Wrest Park, Bedfordshire. It was one of England's stately homes, with timbered park, a herd of deer, magnificent gardens, the house itself a grand pile, with a picture-gallery of Sir Joshua Reynolds and the old English masters.

Mr. Reid seems to have felt thoroughly at home in Great Britain. He took the line that among the Powers of Europe Great Britain was the natural friend of the United States. "The truth seems to me that our relations with England are of far greater importance to us than those with Germany—there being more points at issue, more chances of friction. . . . I cannot personally see anything to be gained from unusually good relations with Germany which would compensate us for the least jar in our relations with Great Britain, since I know of no serious question we have to settle with Germany, while there are certainly a good many with Great Britain still unsettled." ¹

The Secretary of State for Foreign Affairs who was in office when Reid entered upon his Mission was the Marquis of Lansdowne. His relations with the American Embassy were wholly cordial. The Conservative Government, however, fell at the end of the year 1905. The Secretary of State for Foreign Affairs in the new Liberal Government of Sir Henry Campbell-Bannerman was Sir Edward Grey. His views on the necessity for harmony with America were the same as Whitelaw Reid's ; for he put in his programme "friendship and good feeling between England and the United States, an alliance with Japan, and the maintenance of cordial relations with France." ²

Among the causes of friction between Great Britain and the United States, the North Atlantic Fisheries were the hoariest. Several Conventions concerning these had been made, had served their time, and had expired. Only the Treaty of October 20, 1818, stood firm, surviving every temporary Convention. This Treaty stipulated that "the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind" on certain specified parts of the British North American coast ; outside these specified parts, the United States renounced any claim to fish

¹ To President Roosevelt, June 19, 1906, in Cortissoz, *op. cit.*, II, 331.

² Cortissoz, *op. cit.*, II, 312.

within three marine miles of the British North American coast.

The exercise of this liberty of fishing by subjects of the United States was a fertile source of friction, more especially as the policy of Protection for home industry became more and more the policy of both sides. The peoples of Canada and Newfoundland wished, quite naturally, to keep the benefits of fishing in their own waters as much as possible for their own members. The people of the United States, equally naturally, wished to make the most of the liberty, which was their right under the Treaty of 1818, while maintaining a highly protective tariff of their own against all foreigners. As the United States refused to give any reciprocal advantages (other than those stated in the Treaty of 1818), the Canadian and Newfoundland Governments, especially the latter, were careful to enforce all the regulations which they could, so as to secure the minimum advantages allowed by the Treaty to the United States, and the maximum to their own subjects. White-law Reid stated the case against the Canadians and Newfoundlanders as follows :

Boiled down, the case hasn't a look they ought to take much pride in. We have certain fishing rights guaranteed to us by the Treaty of 1818 and absolutely undisputed. They wanted us to give them some privileges in our ports, which I personally (following Hay's lead) would have been glad to see them get, though the Senate thought differently. Because they don't get them, they turn around now and deliberately avow the purpose to avenge themselves by damaging, and, as far as they can, destroying, our rights under a treaty which has been respected for nearly a century.¹

The Canadians and Newfoundlanders could reply that the Treaty of 1818 contained nothing against local regulations ; some regulations were obviously necessary. Against this it was contended that local regulations for the Fisheries in Treaty Waters and on the Treaty Coast would require the assent of the United States as one of the Contracting Parties.

From a consideration of these contentions it at once becomes clear that the Treaty of 1818 was being differently construed, quite honestly, by the two Parties who had made it. There was every reason, accordingly, to submit it to a third impartial party for a decision. The United States Secretary of State, Mr. Root, was one of the most eminent of international jurists, and he gladly

¹ To Nicholas Murray Butler, (?) August, 1906, in Cortissoz, *op. cit.*, II, 323.

seized the occasion of the Fisheries Dispute to propose reference to The Hague. The idea was received warmly in both hemispheres ; there is some doubt (but not in the United States) whether Sir Robert Bond, the Prime Minister of Newfoundland, was not the first to make the suggestion of arbitration. At any rate, White-law Reid's handling of the affair in such a way that both sides thought the other had made the concession won warm commendations from President Roosevelt : " I think it has come out pretty satisfactorily," he wrote to the Ambassador—meaning *highly satisfactorily*.

The North Atlantic Fishery questions were therefore referred to The Hague Tribunal, which worked carefully and with reasonable dispatch. It made its award on September 7, 1910.¹

With regard to the question of local regulations of the fisheries, under British municipal law, the Tribunal decided that :

The right of Great Britain to make regulations without the consent of the United States as to the exercise of the liberty to take fish referred to in Article 1 of the Treaty of October 20, 1918, in the form of municipal laws, ordinances or rules of Great Britain, Canada, or Newfoundland, is inherent to the sovereignty of Great Britain.

These municipal regulations, however (according to the Tribunal) must be made in good faith, must not be in violation of the articles of the Treaty, and must be either necessary, or at any rate desirable, on grounds of public order and morals. They must be so formed as not to press unfairly on the fishermen from the United States as compared with British fishermen—in a word, the regulations must be " reasonable." A Permanent Mixed Fishery Commission was established by the Awarders for deciding, if appealed to, whether a regulation was reasonable or not.

With regard to the question of British territorial water in North America, within which fishing by subjects of the United States was forbidden, the Tribunal decided that :

The three marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay.

The United States fishermen could not claim that the three-mile limit, within which they were not allowed to fish (except on the Treaty Coast of Newfoundland), was measured from the inmost

¹ *Parliamentary Papers*, 1910, LXXIV, p. 387 ff.

point of each bay. But at all parts of the coast, except in actual bays, "the three marine miles are to be measured following the sinuosities of the coast."

The Award was signed by H. Lammasch, Professor of Law at the University of Vienna (later Prime Minister of Austria); Jonkheer Savornin Lohman, Dutch Minister of State; George Gray, Judge of the United States Court of Appeals; Sir Charles Fitzpatrick, Chief Justice of Canada; Luis Maria Drago, former Minister of Foreign Affairs of the Argentine Republic.

This Award settled two points ("regulations" and "three marine miles") which had been subject of dispute in North American waters intermittently for nearly a century. The result, although by no means all that the United States had wished, was a good solution of the difficulties. "However it comes out," Mr. Root, the Senior Counsel for the United States, had written to Reid from The Hague, "we shall be better off than we were before the submission to the arbitration, because our fishermen were then entirely at the mercy of the Newfoundland Legislature."

At the beginning of the sessions of the Arbitration Tribunal, *The Times* in its leading article had said: "The settlement of the North Atlantic Fisheries dispute will remove almost the last of the serious issues between the British and American peoples."¹ Surely the result justified this statement.

While the North Atlantic Fisheries Question was being thus happily disposed of during Whitelaw Reid's London Mission, another recurrent question, that of the Fur Seals, was being dealt with by James Bryce, in negotiations between the British Embassy and the State Department at Washington.

It had been found that the Convention of 1893 had satisfied all the seal-hunting nations—Great Britain, the United States, Russia and Japan—but had done little good to the seals themselves. They were protected at their breeding stations in the islands of the Bohring Sea, but, except during the agreed "close" season, they were being hunted, males and females indiscriminately, at sea. Thus the seal-herd went on diminishing, until all "interests" became convinced that they must agree to give up some of their liberties or else see the seals perish from the waters of the earth. The Convention which James Bryce, and Mr. Pope, Under-Secretary of State for External Affairs of Canada, negotiated with the

¹ *The Times*, June 1, 1910.

State Department at Washington was a real work of humanity and of statesmanship. The Empires of Russia and Japan also took their share in the negotiation. The Convention was signed by the Four Powers on July 7, 1911, at Washington. It absolutely prohibited the taking of seals at sea ("pelagic sealing") in the waters north of latitude 30° (north), including the seas of Behring, Kamchatka, Okhotsk, and Japan (except within the territorial jurisdiction of any of these Powers, i.e. within the three-mile limit). The Powers (chiefly the United States) which had islands where the seals could be hunted on land would, of course, greatly profit by their rivals' abstention from pelagic sealing. In compensation for this sacrifice, the State which profited by pelagic sealing agreed to pay certain sums annually to the other Powers. Thus the Seal-Fishery Question was disposed of too.¹

It almost seems as if Great Britain and the United States took especial pains to clear up all their outstanding disputes before the great catastrophe of Europe came in 1914. International sensitiveness could not be entirely eliminated. The curious "Swettenham Incident" showed this. On January 14, 1907, there was a disastrous earthquake in Jamaica. The town of Kingston was destroyed. The United States Navy at once dispatched battle-ships to help in relief work. Congress passed a Bill empowering the Executive to use Government stores for the support of sufferers at Jamaica.²

The United States warships *Missouri* and *Indiana* arrived off Kingston with Admiral Davis on January 17. After consulting with the Governor, Sir Alexander Swettenham, the American Admiral landed bluejackets to act as rescue parties. He also offered the assistance of his naval surgeons, but this was declined. On the same evening the Admiral wrote a courteous and friendly letter to the Governor, proposing that the American landing parties should be used again on the following day. "I think a great deal might be done," wrote Admiral Davis, "in the way of assistance to private individuals without interfering with the forces of yourself or with the Government officials, as our only object in being here is to render such assistance as we can." Sir Alexander Swettenham replied :

¹ *Parliamentary Papers*, 1912-13, CXXI, pp. 45 ff.

² *The Times*, January 19, 1907, p. 6.

Dear Admiral,—Thanks very much for your letter, for your kind call and for all the assistance you have given and offered us. While I most heartily appreciate your very generous offers of assistance, I feel it my duty to ask you to re-embark the working party and all parties which your kindness prompted you to land. If, in consideration of the American Vice-Consul's assiduous attentions to his family at his country house, the American Consulate should need guarding in your opinion, although he is present and it was unguarded an hour ago, I have no objection to your detailing a force for the sole purpose of guarding it. But the party must not have firearms or anything more offensive than clubs or staves for this function. I find that your working party this morning was helping Mr. Crosswell to clean his store. Mr. Crosswell is delighted that this work should be done free of cost, and if your Excellency will remain long enough, I am sure all private owners will be glad of the services of the Navy to save them expense. It is no longer a question of humanity. All those who are dead, died days ago, and the work of giving men burial is merely one of convenience. I shall be glad to accept delivery of the safe which the alleged thieves took possession of. The American Vice-Consul has no knowledge of it. The store is close to a sentry post, and the officer in charge of the post professes ignorance of the incident. I believe the police surveillance of the city is adequate for the protection of private property. I may remind your Excellency that not long ago it was discovered that thieves lodged and pillaged the house of a New York millionaire during his absence in the summer. But this would not have justified a British Admiral in landing an armed party to assist the New York police.

I have the honour to be, with profound gratitude and the highest respect,

Your obedient servant,

ALEX. SWETTENHAM,

Governor.

The Times, which can be trusted to say the right word in matters of political good taste, commented on the letter :

An incident which we can only regard as deplorable has led to the departure from Jamaican waters of the American warships which the United States Government had dispatched in an eminently generous and neighbourly spirit to the assistance of the sorely stricken capital of Jamaica. We publish in another column the correspondence which passed between Admiral Davis and the Governor. It will be read in this country, we feel sure, with deep regret, and perhaps the most charitable explanation of the extraordinary wording of Sir Alexander Swettenham's communication is that he was overwrought and unstrung by the terrible events of the last week. Whatever misunderstandings had arisen as to the character or necessity of the co-operation volunteered by Admiral Davis, there can be no excuse other than that which

we have ventured to suggest for the tone adopted by the Governor in reply to so courteous a letter as that of the American Admiral. The latter felt that in the circumstances no other course consonant with the dignity of the American flag was left to him but to re-embark his men and depart with his ships from Kingston. This lamentable close to a mission conceived in so admirable a spirit of international goodwill will certainly not lessen the gratitude of the unfortunate colony and of Englishmen all over the world either to Admiral Davis and his blue-jackets or to the Government of the United States which sent them on their errand of mercy.¹

Mr. Reid's biographer says that "the English were as sore as if they had burned their fingers." The Ambassador himself wrote home: "I have never seen them so thoroughly ashamed of anything."² A visit of Reid to the Secretary of State for Foreign Affairs put the whole matter right. Sir Edward Grey was the first to speak of the Swettenham incident to the Ambassador, and expressed his "warm appreciation" of the way the United States had taken it. The Governor's letter to Admiral Davis was withdrawn, and the Governor himself resigned.

An old ground of dispute had been the "Mosquito Coast" in Central America. For a considerable portion of the nineteenth century Great Britain had exercised a rather vague protectorate over the Mosquito Indians and their territory, in spite of the protests and opposition of the United States. On January 28, 1860, by the Treaty of Managua, Great Britain had recognized "as belonging to and under the sovereignty of the Republic of Nicaragua, the country hitherto occupied or claimed by the Mosquito Indians within the frontier of that Republic."³ The apprehension of the United States Government for the inviolability of the Monroe Doctrine was assuaged. During Whitelaw Reid's Mission the Mosquito Affair cropped up again in a humorous way. According to Reid, the Protectorate had been simply a nuisance to Great Britain, who (in apparent deference to the protests of the United States) had "contrived to land her control over the Mosquito Indians in the lap of Nicaragua." But the Indians themselves were not pleased. Since then, Mr. Reid ingenuously wrote to the White House, "they have been badly treated by the Nicaraguans

¹ *The Times*, January 21, 1907, p. 9.

² Cortissoz, *op. cit.*, II, 366.

³ Treaty of Managua, January 28, 1860, in *British and Foreign State Papers*, vol. 50, pp. 96-105.

and have been appealing to Great Britain for protection or intervention." However, they got nothing out of the British Government except "a little money," which is the least that the world always expects Great Britain to give. But the actual request of the Mosquito Indians for protection was, as the United States Ambassador picturesquely reported, "turned down" by the Foreign Office; "whereat they solemnly appeared at our Embassy offices and sought an interview with me to tender the sovereignty of their country through me to the United States." Mr. Reid managed to put them off, but consented to enclose their petition in his dispatch to the President at Washington, by whom it was also, with characteristic energy, "turned down."¹

Such petitions were not difficult to deal with. Another sample of the kind was the request of an American gentleman for Reid's good offices with the King of Great Britain in order to be nominated to a vacant "minor European throne." More difficult to put off were requests by citizens of the United States for invitations to the King's Court, or even for tickets of admission to Parliament; for these were often people of some political importance, and they genuinely expected that the Ambassador could satisfy their wants. The number of tickets of admission to Parliament was strictly limited: the United States Embassy only received two each day while Parliament was in session—really a good allowance, being twice as many as any other Embassy got.

Reid took all this business with a sense of humour, and did it well. He himself went everywhere and had hosts of friends. With King Edward, whom he called "the mainstay of European peace," he was on the most friendly of terms. He liked high functions and Court life; the only thing which might have given him a few moments' uneasiness at first was the glaring conspicuousness of the United States Ambassador appearing without a Court dress. Mr. Choate once remarked to him when they were standing in a line of Ambassadors: "At a Court this republican simplicity dodge of yours about 'plain clothes' is the most impertinent piece of swagger in the world. . . . We single them out from everybody else in a room with a thousand people." In reporting this to the President, Mr. Reid naively added: "Personally, I don't dislike

¹ Cortissoz, *op. cit.*, II, 353-4. The extract is unfortunately undated. It occurred, apparently, about the year 1908.

it in the least ; but there never was a case where demagogues so thoroughly defeated their own desires." ¹

The tact and good-nature of King Edward were warmly appreciated by Ambassador Reid. The eminent American orator, economist and philanthropist, Mr. William J. Bryan, had been making a tour around the world in 1905-6, and while in India had formed (or confirmed) opinions unfavourable to British rule. He sent an article to the *New York Sun*, stating that "the Government of India is as arbitrary and despotic as the Government of Russia ever was." ² He had also expressed something like the same view in a speech in India.

When Mr. Bryan, in the course of his travels, turned up in London in June, 1906, Ambassador Reid was, naturally, a little apprehensive about the cordiality of his reception. Mr. Bryan, however, relieved him by not asking to be presented to the King ; but King Edward did still better, for he immediately asked the Ambassador to present Mr. Bryan to him. The meeting took place at Buckingham Palace, and Mr. Bryan, wrote Reid, "made a good impression." Nevertheless, Mr. Bryan could not refrain before he left England from making a public speech on the Irish Question, which was somewhat extreme and outspoken in its observations.³ He left England on July 28.

Another American visitor to London, eagerly expected, was the former President, Theodore Roosevelt. Immediately after the end of his second presidential term in March, 1909, he set forth upon his travels again. Big-game shooting in Africa, with his son, Kermit, and the famous British hunter Selous, occupied him for many months. In March, 1910, he was at Khartoum : here he made a leisurely journey through Egypt, much impressed by the orderliness and cleanness of the British administration. From Egypt he came across Europe, in a sort of triumphal procession. He was gratified by an invitation from the University of Oxford to deliver the Romanes lecture : "This makes matters easy for me," he said, "because it gives me a genuine reason for going to England." Unfortunately King Edward VII died on May 6, so that the two statesmen did not meet."

Roosevelt came to England (arriving on May 16, 1910), and

¹ Cortissoz, *op. cit.*, II, 251.

² Quoted in *The Times*, August 31, 1906, p. 5.

³ *The Times*, July 30, 1907, p. 12.

delivered a thoroughly interesting and characteristic lecture at Oxford, telling the history teachers there how to write history, and illustrating his remarks, which were all thoroughly sane and practical, with examples taken from his own rich experience and wide reading. It was, however, in the ancient Guildhall of the Corporation of London, rather than in the Sheldonian Theatre of the University of Oxford, that President Roosevelt made his greatest impression. He was presented with the Freedom of the City of London on May 31. In reply, he spoke frankly on the British Empire, and other Powers and States. After saying that he had just come from nearly a year spent in Africa, he stated: "I grew heartily to respect the men whom I there met, settlers, and military and civil officials. . . . Your men in Africa are doing a great work for your Empire and for civilisation." People at home, he said, in Europe and in America, the people who "live softly," did not fairly appreciate "what is being done for them by the men who are actually engaged in the pioneer work of civilisation abroad."

In his historic speech, President Roosevelt expressed only one fear and one criticism, namely that Great Britain might be tempted, by feebleness or sentiment, to abdicate from her imperial responsibilities.

Those of you who know Lord Cromer's excellent book, in which he compares modern and ancient imperialism, need no words from me to prove that the dominion of modern civilised nations over the dark places of the earth has been fraught with widespread good for mankind.

In the highlands of Uganda, he said, "I met many settlers on intimate terms, and I felt for them a peculiar sympathy because they so strikingly reminded me of the men of our own western frontier of America." Into these highlands, the rare places of tropical Africa where Europeans could live, "no alien race should be permitted to come into competition with the settlers."

For Great Britain's work in the Sudan the ex-President had the warmest admiration:

I do not believe that in the whole world there is to be found any nook of territory which has shown such astonishing progress from the most hideous misery to well-being and prosperity as the Sudan has shown during the last twelve years while it has been under British rule.

He made short work of the demands of sentimentalists that Great Britain should give in to the claims for "self-government"

of people who could not govern themselves. In the fifteen years previous to the coming of the British "at least two-thirds of the population, probably seven or eight millions of people, died by violence or starvation."

Then the English came in ; put an end to the independence and self-government which had wrought this hideous evil ; restored order, kept the peace, and gave to each individual a liberty which, during the evil days of their own self-government, not one human being possessed, save only the blood-stained tyrant who at the moment was ruler.

The Sudan, said the ex-President, "affords the best possible example of the wisdom . . . of disregarding the well-meaning but unwise sentimentalists who object to the spread of civilisation at the expense of savagery." In Egypt, he held that the British were also doing beneficent work :

In Egypt you are not only the guardians of your own interests ; you are also the guardians of the interests of civilisation ; and the present condition of affairs in Egypt is a grave menace to both your Empire and to civilisation. You have given Egypt the best government it has had for at least 2,000 years—probably a better government than it has ever had before ; for never in history has the poor man in Egypt, the tiller of the soil, the ordinary labourer, been treated with as much justice and mercy, under a rule as free from corruption and brutality, as during the last 28 years.

The particular menace to Egypt and to the whole Empire came, Mr. Roosevelt explained, from the action of a "noisy element" of the Egyptians, who took advantage of their good treatment to bring about an anti-foreign movement—"a movement in which, as events have shown, murder on a large or a small scale is expected to play a leading part."

The attitude of the so-called Egyptian Nationalist Party in connection with this murder [of Boutros Pasha] has shown that they were neither desirous nor capable of guaranteeing even that primary justice the failure to supply which makes self-government not merely an empty but a noxious farce. Such are the conditions ; and where the effort made by your officials to help the Egyptians towards self-government is taken advantage of by them, not to make things better, not to help their country, but to bring murderous chaos upon the land, then it becomes the primary duty of whoever is responsible for the government in Egypt to establish order, and to take whatever measures are necessary to that end.

He summed up the Egyptian problem, as he construed it, in these words : "When a people treats assassination as the corner-stone

of self-government it forfeits all right to be treated as worthy of self-government." Besides, "some nation must govern Egypt"—for "if they are not governed from outside, they will again sink into a welter of chaos."¹

When his historic journey was over, Mr. Roosevelt, whose energy and will-power were inexhaustible, wrote from his home, Sagamore Hill, Oyster Bay, New York, an account of the whole thing to Sir George Trevelyan. It was a letter of 25,000 words²—any other man would have made a book of it. Sir George Trevelyan wrote in reply: "It is a piece absolutely unique in literature." It was a great record; it is also a compendium of advice and warning: "I own to be rather alarmed by what you saw and heard in Germany," wrote Sir George. A change might come for the better, but there was no sign of it. "A *very great* weakening of the Junker predominance might have a good effect; but the powers that are may stick at nothing to avert that result." So wrote the Englishman. Roosevelt knew this too, and so did Secretary of State Root.

¹ The complete speech was reported in *The Times* for June 1, 1910.

² It is given in Bishop's *Roosevelt*, II, p. 185 ff.

CHAPTER XXIX

ARMAMENTS, TARIFFS AND TOLLS

Great Britain and the United States probably understood each other better during the Embassy of Whitelaw Reid than they had ever done before. The sympathy of Great Britain during the Spanish-American War had brought the two peoples closely together; the imperial responsibilities which the United States undertook as a consequence of that war inclined thoughtful Americans to sympathise with the principles and policy of the British Empire. The Governments of the two countries had, in addition, a common, active interest in promoting the peace of the world.

When the Tsar Nicholas II of Russia in December, 1898, invited the States of the world to send delegates to a Peace Conference at The Hague, John Hay, at that time Secretary of State for the United States, responded as enthusiastically as any of the States of the Old World.¹ The First Hague Conference, which met in 1899, accomplished solid work; and the extent to which the British and United States Governments appreciated this work is proved by the use which they subsequently made of The Hague Tribunal to settle their differences.

When the Second Hague Conference was being arranged for in 1906 (it actually met in 1907), the British and American Governments co-operated in the difficult work of finding a suitable date. A more important point than the question of date was the attitude of Great Britain and the United States towards the question of disarmament. As Sir Edward Grey, who was Secretary of State for Foreign Affairs, explained to Reid, Germany held the "key of the situation," at any rate on the Continent of Europe: for if Germany continued her great armaments, France would

¹ See Instructions to the American Delegates to The Hague Conference, 1899, issued by John Hay, April 18, 1899 (*World Peace Foundation, Pamphlet Series*, vol. III, No. 4).

certainly, and of necessity, follow suit. The British Government was in favour of disarmament, but it was bound to safeguard the Empire with a great Navy. Secretary of State Root, an idealist, and an enthusiast for the rule of international law, did not let his idealism blind him to the logic of facts. He wrote to Ambassador Reid :

I do not want this Liberal Government, with which in many matters I have such hearty sympathy, to go to any maudlin extremes at The Hague Conference. It is eminently wise and proper that we should take real steps in advance towards the policy of minimising the chances of war amongst civilised people, of multiplying the methods and chances of honourably avoiding war in the event of controversy ; but we must not grow sentimental and commit some Jefferson-Bryan-like piece of idiotic folly such as would be entailed if the free people that have the free governments put themselves at a hopeless disadvantage compared with military despotisms and military barbarisms. I should like to see the British Navy kept at its present size, but only on condition that the Continental and Japanese navies are not built up.¹

Great Britain and the United States joined their efforts in the campaign against the misuse of opium. In 1906 the Imperial Chinese Government had decreed that the cultivation of the opium-poppy should be diminished by one-tenth each year, until it disappeared altogether. In 1907 the Government of British India undertook to diminish the production of opium annually to the same extent as the Chinese Government enforced the diminution. About a year later Whitelaw Reid was instructed by Secretary Root to obtain, if possible, the support of Great Britain for the proposal to hold an Opium Conference at Shanghai. The Foreign Office at once responded, and helped the State Department to bring about the International Conference at Shanghai in February, 1909. The Conference took measures leading to the restriction of opium-smoking in foreign settlements in China ; and Japan undertook not to export morphia to China. The trade in opium and in the drugs made from opium was thenceforward persistently and successfully controlled, until the growing feebleness of the unfortunate Chinese Republic (which overturned the Imperial Manchu Government in 1910) allowed the trade to arise again, with evil effects not merely for China, but unfortunately for the United States too. For after the suppression of alcoholism in the United States, the illicit trade in opiates from the East increased

¹ August 7, 1906, in Cortissoz, *op. cit.*, II, 343.

in activity, and made urgently necessary renewed efforts at international co-operation. The International Convention signed by the representatives of Great Britain, the United States, and other Powers at The Hague, in January, 1912, did not have all the results that were hoped for.¹

One of the last duties of Ambassador Reid was to plane away any obstacles in the way of President Taft's projected Treaty of Arbitration with Great Britain. It was to be a Treaty of *General Arbitration*, by which disputes between the two countries, even disputes affecting national honour, should be automatically submitted to a Tribunal. The United States Senate, however, which has the constitutional duty of controlling the making of treaties, did not see its way to assenting to this *carte blanche* instrument; so it never came into effect.

The British Government had done all that it could to meet the views of the United States. When, acting on the instructions of Secretary of State Knox, Whitelaw Reid suggested to Sir Edward Grey the difficulty of the Anglo-Japanese Treaty of Alliance, Sir Edward's grave face suddenly brightened. There would be no difficulty there. It is true that the Anglo-Japanese Alliance obliged Great Britain to go to the assistance of Japan, if that State were attacked by a third Power, but the Foreign Secretary

had foreseen the difficulty from the first, and it had been agreed upon [with Japan] that whenever a satisfactory treaty of general arbitration between Great Britain and the United States was negotiated, the article in question in the Anglo-Japanese Treaty would be revised so as to make it of no effect with any country with which England had a general treaty of arbitration.²

A stipulation to this precise effect was actually inserted in the text of the renewed Anglo-Japanese Treaty of July 13, 1911.³ This was taken as a specific indication of the good relations which the British Secretary of State and the American Ambassador had maintained, and of the harmony existing between their countries;

¹ The Convention is in *Parliamentary Papers*, 1913, CXXI, p. 63 ff.

² Cortissoz, *op. cit.*, II, 427.

³ Article 4: "Should either High Contracting Party conclude a treaty of general arbitration with a third Power, it is agreed that nothing in this Agreement shall entail upon such Contracting Party an obligation to go to war with the Power with whom such treaty of arbitration is in force" (text in *British and Foreign State Papers*, vol. 104, pp. 173-4).

"that much remained to console Reid for the untoward fortunes of the President's humane project at large."¹

On the other side of the Atlantic, one of the great successes of Mr. Bryce was the negotiation of the "Boundary Waters Treaty" with the United States, signed at Washington on January 11, 1909, and duly ratified. This Treaty made for ever open to navigation, to the commerce of both countries, all the lakes and rivers along which the international boundary of Canada and the United States passes. Furthermore, a Joint High Commission of Six was established, consisting of three members on the part of the United States, appointed by the President, and three on the part of the United Kingdom, appointed by His Majesty on the recommendation of the Governor-General of Canada. This Commission was to have jurisdiction over all obstructions or diversions which should in the future be made in the boundary waters.² Besides negotiating this Treaty, Mr. Bryce had much other important work to do before he was succeeded at the Washington Embassy by Sir Cecil Arthur Spring-Rice.

There was only one diplomatic undertaking which went wrong during the time of the Mission of Whitelaw Reid; and the result was probably for the good of both the United States and the British Empire. In any case, the affair did not especially concern Reid: it was carried out between Ottawa and Washington.³

In 1909 the Payne-Aldrich Tariff—which was also President Taft's Tariff—passed through Congress and became law in the United States. This enactment very substantially increased the customs charged upon imports; but it had two rates, a maximum tariff for imports from countries which gave no favours to the United States, and a minimum tariff. The benefit of this minimum tariff was to be given to any countries whose fiscal system did not unduly discriminate against the United States. As Canada had recently concluded a preferential Tariff Convention with France, a fear was felt by Canadians that they might not obtain the benefit of the United States minimum tariff. This idea made them favourably inclined to undertake negotiations with the State Department at Washington.

President Taft on his side was anxious to go farther than merely

¹ Cortissoz, *op. cit.*, II, 418.

² Text in *British and Foreign State Papers*, vol. 102, p. 137.

³ Cortissoz, *op. cit.*, II, 428.

giving the benefit of the minimum tariff to Canada. He wanted a reciprocal trade agreement, similar to that which had lapsed in 1867.

In his Message to Congress, January 26, 1911, the President wrote: "One by one the controversies, resulting from the uncertainties which attended the partition of British territory in the American Continent at the close of the Revolution . . . have been eliminated."¹

Mr. Taft proposed therefore to confirm the existing good relations between the British people and the people of the United States by arranging commercial reciprocity across the Canadian border: "A reciprocal trade agreement," he wrote, "is the logical sequence of all that has been accomplished in disposing of matters of a diplomatic and controversial character. The identity of interests of two peoples linked together by race, language, political institutions and geographical proximity offers the foundation." There was already, he pointed out, a reciprocal movement of settlers across the border: "The contribution to the industrial advancement of our own country by the migration across the borders of the thrifty and industrious Canadians of English, Scotch and Irish origin is now repaid by the movement of large numbers of our own sturdy farmers to the north-west of Canada."

The object of the President was purely economic. The development of the United States had reached a stage at which, instead of being a country which exported "food and the natural products of farm and forest," it was in danger of having to import these products from the outside world. "Ought we not, then," argued the President, "to arrange a commercial agreement with Canada, if we can, by which we shall get direct access to her great supply of natural products, without an obstructive or prohibitive tariff?" The argument was concluded with something of a solemn warning:

The Dominion [of Canada] has greatly prospered. It has an active, aggressive and intelligent people. They are coming to the parting of the ways. They must soon decide whether they are to regard themselves as isolated permanently from our markets by a perpetual wall, or whether we are to be commercial friends.²

¹ Quoted by Egerton, *British Colonial Policy in the Twentieth Century* (1922), pp. 83-4.

² The quotations from the Presidential Message are taken from Egerton, *op. cit.*, p. 84 ff.

In a later statement (April 27, 1911) Mr. Taft said that the question was critical: "because, unless it is now decided favourably to reciprocity, it is exceedingly probable that no such opportunity will ever come again to the United States." If the United States did not make a Reciprocity Agreement with Canada, she would find herself (the President argued) soon faced by a British Empire more closely united than ever by a system of imperial preference within itself.

The forces which are at work in England and in Canada to separate her [Canada] by a Chinese wall from the United States, and to make her part of an imperial commercial band reaching from England around the world to England again, by a system of preferential tariffs, will derive an impetus from the rejection of the treaty; and if we would have reciprocity with all the advantages that I have described, and that I earnestly and sincerely believe will follow its adoption, we must take it now or give it up for ever.

The word treaty was used loosely by the President. In point of fact there was no actual project of treaty, but the two Governments proceeded, in understanding with each other, by concurrent legislation at Ottawa and at Washington. The result was that a large number of commodities produced both in Canada and in the United States were put upon a free list in the tariff of each country—"the free list consisting mainly of food products and goods at the more elementary stage of manufacture."¹

Before, however, the Canadian free list passed into law feeling in Canada had been aroused, and people were reflecting anxiously on the possible political results of Reciprocity. The ghosts of famous ministers of imperial vision seemed to rise up to warn them: "The voice of Macdonald from his grave still spoke to the people of Ontario, and the solemn warnings of Blake still rang in their ears."² Sir Clifford Sifton, Chairman of the Commission for Conserving the National Resources, said:

What has been the history of our relations with the United States? For the last thirty or forty years we have been ignored and buffeted by them, and during all that time we have taken our way secure, firm and serene, under the strong arm of the British Empire. Now we come to the point where we are of some use; we are just beginning to be of some use. . . . When we get to that point what happens? The United States beckons from Washington; and we are asked, the first time

¹ Egerton, *op. cit.*, p. 85.

² Egerton, *op. cit.*, p. 87.

anybody beckons, to turn from the path that leads to the capital of the Empire, and to turn to the path that leads to Washington. I say, so far as I am concerned—not for me.¹

The reasoning of Sir Clifford Sifton was perhaps a little unsympathetic to the views and ideals of President Taft, but it found an echo in many Canadian hearts. It was emphasised, probably, by an assertion, which, however, ought not to have been taken seriously, of Mr. Champ Clark, Speaker of the United States House of Representatives. Mr. Clark said that the States were about to annex Canada.² In Britain, the great prophet of the British Imperial Commonwealth spoke with no uncertain voice: "It is her own soul that Canada risks to-day. Once that soul is pawned for any consideration, Canada must inevitably conform to the commercial, legal, financial, social and ethical standards which will be imposed upon her by the sheer admitted weight of the United States."³

At this time the Liberal Government of Sir Wilfrid Laurier was in office in Canada. Sir Wilfrid, who yielded to no one in respect of loyalty to the Empire, persevered in his Reciprocity policy, being convinced that it contained no danger to British interests. But the Opposition in the Canadian Parliament took the contrary view, and, fortified by a rising public opinion, compelled the dissolution of Parliament and an appeal to the country. A General Election was fought on the Reciprocity issue; the Liberal Government was defeated; the Conservatives, under Sir Robert Borden, returned to Parliament with a majority of forty-seven in the House of Commons. The verdict of the Canadians was quite clear (August, 1911). The Reciprocity proposals never passed into law.

In the last years of his Embassy (and of his life) Whitelaw Reid was a somewhat caustic observer of the Liberal Administration of Mr. Asquith in Great Britain. "The present duty of statesmen," he wrote to the eminent Frenchman, M. Ribot, "seems to be to search for new subjects of taxation . . . all to swell the increasing sum which the state is eager to gather up from the thrifty and well-to-do, and pour out in a constantly increasing flood upon those who do not, and often do not want to, earn their

¹ Quoted from the *Canadian Hansard*, 1911, XCIX, by Egerton, *op. cit.*, p. 88.

² Egerton, *op. cit.*, *ibid.*

³ Rudyard Kipling, quoted by Egerton, *op. cit.*, p. 89.

own living." Nevertheless, he denied that he was a pessimist; he could not fail to believe "that somehow we [meaning by "we," apparently, the British people] shall pull through. Still, one cannot help wondering how." Reid knew John Morley well, and listened to his philosophical conversation and his defence of the Liberal programme, but the reasons given for the Parliament Bill to reduce the powers of the House of Lords puzzled him. Reid's letters often reveal a strong conviction of "the intellectual superiority of the upper house."¹

Domestic politics, however, were not, perhaps, the particular field for Mr. Reid's observation. On questions of diplomacy and foreign policy, at any rate, his observations must be admitted as evidence in any court. On September 1, 1911, he wrote to the State Department, to Secretary Knox:

Serious business people and serious politicians are equally frank in speaking of war with Germany as a thing that may come at any time, and, in fact, is almost within measurable distance. They don't want it, but I doubt if they are as much disturbed by the prospect as they might be. Apparently they believe that if war comes, it will be England and France together against Germany, and that the German action has been so wanton and provocative that they will have the moral support, not only of their own people, but to some extent of other nations.

In 1912 the German Ambassador at London, Count Paul Wolf-Metternich, retired, or rather he was recalled, for Reid wrote to Secretary Knox: "Metternich's desire to retire has been a sham" He had been recalled, because he "had failed to break up the Anglo-French entente." His successor was Baron Marschall von Bieberstein, who is now known to have been the author of the Kaiser's "Kruger" telegram, and who had recently been Ambassador at Constantinople. On Baron Marschall's appointment to London, Reid wrote to the State Department: "His looks bear out his reputation in the Far East as a man accustomed to push diplomatic points with a strong hand and with the rattle of the Prussian sabre behind him."

Mr. Taft's Presidency came to an end in March, 1913. But before this happened he had dropped a bombshell on to Anglo-American relations. This occurred during a recrudescence of the ancient Panama Canal Question.

After the difficulties on the subject with Great Britain had been

¹ Cortissoz, *op. cit.*, II, 430.

cleared away by the Hay-Pauncefote Treaty of 1901, the United States Government had gone ahead with its project of constructing an interoceanic waterway with its own resources. Having settled accounts with Great Britain, the United States next turned to the Government of Colombia, of which Panama was a province or component State. On January 22, 1903, Secretary of State Hay concluded with Dr. Tomas Herran, Colombian *chargé d'affaires* at Washington, a satisfactory treaty. Colombia agreed to cede to the United States a zone of territory in Panama for the construction of a canal. The United States was to pay to Colombia 10,000,000 dollars in gold, and 250,000 dollars annually for nine years. Shortly afterwards, President Roosevelt wrote to Hay: "I am now sweating blood to get the two treaties [the Canal Treaty and a tariff treaty with Cuba] confirmed." The Senate proved complaisant, and ratified the treaty. But when the treaty went to Bogota for ratification the Colombian Congress rejected it, on the ground that the financial compensation for the cession was insufficient (August 12, 1903). Roosevelt and Hay refused to discuss an increase of compensation.

The rejection of the Canal Treaty appears to have caused dissatisfaction in the Colombian province of Panama, which had frequently before shown discontent on other subjects by attempting revolution. On October 15, 1903, a new revolution took place. This time it was successful. The United States Government at once sent warships to the Isthmus in order to protect life and property; and, with a view to ensuring safe communication by railway, the Government ordered the warships to prevent the landing of any troops, whether Colombian Government or revolutionary, within fifty miles of the town of Panama. On November 4, the Panama revolutionaries declared the independence of the State; and on November 6, the United States Government formally recognized it. President Roosevelt stated later, and quite truly, that his Government did not make the Panama revolution, but that there were plenty of unofficial Americans helping in it; all that the President had to do was to take advantage of their act when it occurred. As soon as the United States had recognized the independence of Panama, the Provisional Government of the new State appointed a Panamayan, Philippe Bunau-Varilla, the revolutionary party's agent in Washington, to be their *chargé d'affaires*. Secretary Hay and

Bunau-Varilla signed a Treaty at Washington on November 18 (1903) ceding to the United States an interoceanic zone of Panamayan territory for the construction of a canal. Panama received as purchase money the sum of 10,000,000 dollars. The Colombian Government maintained an attitude of protest until 1914, when it entered again into diplomatic relations and accepted a free-will offering of 25,000,000 dollars in settlement of its claims, or rather of its grievance. (This treaty was not ratified by the United States Senate until 1921.) The Canal was constructed by the United States Government and was opened on August 14, 1914.

In the Hay-Pauncefote Treaty of 1901, the British Government had surrendered its right to participate in the construction and ownership of the Canal, but had stipulated that the waterway should be neutral, and that the dues to be charged should be equal. The vital article, No. 3, of the Treaty stipulated :

The Canal shall be free and open to the vessels of commerce and of war of all nations observing these rules [the Canal regulations], on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

On August 24, 1912, in preparation for the approaching completion of the Canal, a Bill went through Congress to regulate the traffic. Section 5 stated :

That the President is hereby authorised to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal. . . . No tolls shall be levied upon vessels engaged in the coast-wise trade of the United States.¹

President Taft signed the Bill on the same day as it was issued with approval from Congress. He knew, of course, all about article 3 of the Hay-Pauncefote Treaty, and he had already received a protest against Section 5 of the Bill (while it was before Congress) from the British Government. So, in signing the Bill, he attached a Memorandum to it, defending Section 5. The Hay-Pauncefote article only bound the United States not to discriminate in its treatment of the vessels using the Canal. The coast-wise trade of the United States was absolutely limited by the Merchant Marine Act of 1817, and "in accordance with general usage"² to United States ships. Accordingly, in exempt-

¹ Full text in *British and Foreign State Papers*, vol. 105, p. 375 ff.

² *Foreign Relations of the United States*, 1913, p. 543.

ing American coast-wise shipping from Canal tolls, there was no discrimination against the vessels of foreign countries, because these did not compete with United States shipping in the coast-wise trade. United States vessels trading to foreign ports and using the Canal would have to pay the Canal tolls. Moreover, foreign Governments, if they chose, could refund to their nationals the money paid by their ships in going through the Canal; so why should the United States be debarred from letting at least its own coast-wise ships free through the Canal, or from refunding them the price of the tolls? ¹

President Taft's arguments were very strong in so far as they proved that it was thoroughly reasonable and proper for the United States Government to desire to exempt its coast-wise ships from the tolls; and the same arguments showed that the Hay-Pauncefote Treaty, if it was taken to imply that the United States Government could not exempt its coast-wise shipping from toll, might bear rather hardly on it. But while these were good arguments with which to approach the British Government in order, for example, to propose an amendment of the Hay-Pauncefote Treaty, this was not what Mr. Taft proposed to do. He could not recognize as a likely thing that by the Hay-Pauncefote Treaty the United States had in fact agreed to restrict its own liberty over its own Canal.

But this is really what the United States had done. In return for a very real—indeed invaluable—concession from Great Britain (which surrendered its right to share in owning the Canal) the United States had agreed to surrender its right to subsidise its own shipping passing through the Canal. This was the view of the British Government. What is more convincing is that it was the view of Secretary Hay himself when he negotiated the Treaty in 1901.

Briefly, the attitude of the British Government in regard to Section 5 of the Panama Bill was that it was contrary to article 3 of the Hay-Pauncefote Treaty, because the phrase *all nations* included, and had all along (since the Clayton-Bulwer Treaty of 1850) been taken to include, the United States. "His Majesty's Government," wrote Sir Edward Grey to Ambassador Bryce (for the State Department to read), "maintain that the words 'all nations' in rule 1 of article 3 of the Hay-Pauncefote Treaty include the United States, and that in consequence British vessels using the

¹ Memorandum in *British and Foreign State Papers*, vol. 105, p. 386 ff.

Canal are entitled to equal treatment with those of the United States, and that the same tolls are chargeable on each" The British Government, further, contended that the United States was equally debarred from refunding the price of the tolls to its coast-wise shipping in the form of a subsidy. Great Britain refused to recognize any difference between exempting ships from tolls, or handing them back the money when the toll had been paid.

As regards President Taft's contention that the coast-wise shipping, being restricted to United States vessels, did not compete with foreign ships, and therefore could, without disadvantage to foreign shipping, be exempted from tolls, the Foreign Office had a reply. This was, that if coast-wise shipping did not bear part of the burden of the tolls, (1) the tolls would have to be increased, in order to maintain the Canal for all the other ships using it; (2) foreign shippers would be tempted to land their goods at the nearest United States port and to send them the rest of the way by the favoured United States coast-wise shipping.

Concluding his dispatch for the State Department, Sir Edward Grey courteously expressed the reluctance which His Majesty's Government felt in objecting to the Canal Act on the ground of treaty rights. Although convinced that the language and intention of the treaty were clearly on their side, His Majesty's Government, recognizing that there were eminent Americans who had come to another conclusion, were willing to refer the interpretation of the treaty to arbitration. Congress, however, would not even accept a suggestion of President Taft, that British subjects, if they felt aggrieved by the Canal Bill, should be allowed to contest it before the Supreme Court.¹

The correspondence was continued between the State Department and the Foreign Office in a somewhat brusquely worded dispatch of Secretary of State Knox, dated January 20, 1913. At the end of it he said that when a question of fact arose under the Treaty, it could be referred to arbitration; but the United States would not arbitrate about "future conditions and facts not yet ascertained." His dispatch also contained a remark which surely cannot have been *meant* to say what it actually did say:

¹ The Foreign Office Dispatch of November 14, 1912, the Canal Bill as passed on August 24, 1912, and President Taft's Memorandum are in *Parliamentary Papers*, 1912-13, CXXII, pp. 645-61, as well as in *State Papers, British and Foreign*, vol. 105.

It may be remarked that it would, of course, be idle to contend that Congress has not the power, or that the President, properly authorised by Congress, may not have the power, to violate the terms of the Hay-Pauncefote Treaty in its aspect as a municipal law.

Altogether the handling of the Panama Canal Question was, perhaps, not the happiest feature in Mr. Taft's Administration. The British Government, in the reply to Secretary Knox sent through Mr. Bryce at Washington, declined, in terms of careful consideration and politeness, to move from its position. "His Majesty's Government," wrote Mr. Bryce softly,

conceive that international law or usage does not support the doctrine that the passing of a Statute in contravention of a treaty right affords no ground of complaint for the infraction of that right.¹

So the Panama Canal Toll Question remained open to ruffle (not very seriously) the relations of Great Britain and the United States when President Taft went out of office in March, 1913. By this time Whitelaw Reid was no longer Ambassador in London. He had died, "in harness," at Dorchester House on December 15, 1912. President Taft (who had not been elected for a second term) did not fill his place. The United States Embassy was conducted by a *chargé d'affaires* until, under the new Democratic Administration of President Wilson, Walter Hines Page was appointed to the London Mission in March, 1913. Mr. Bryce left Washington in the same year. His successor, who came out immediately (April), was Sir Cecil Spring-Rice.

¹ Dispatch of Knox, January 20, 1913; of Bryce, February 28, 1913, in *Parliamentary Papers*, 1912-13, CXXII, pp. 664-73.

CHAPTER XXX

THE EVE OF THE WAR

It happened that after one hundred and thirty-two years of Anglo-American diplomacy, in the year before the Great War, Great Britain and the United States had never been represented by men of higher character. In Great Britain, under King George, diplomatic relations were conducted by the Secretary of State for Foreign Affairs, who still went by the style and title of Sir Edward Grey. The United States Ambassador with whom he had to deal was W. H. Page, the most large-hearted and passionate champion of the ideals of the English-speaking race. In Washington, at the White House, was Woodrow Wilson, the inflexible searcher after justice in all the things which came in view of his office. At the State Department was Mr. Bryan, always high-minded if not always wise. At the British Embassy was Cecil Arthur Spring-Rice, whose responsible career in the Legations and Embassies in Europe was one long preparation for the high task which he had always hoped to undertake at Washington. A few years later, when his Mission was ending, and death itself was at his door, he wrote :

I vow to thee, my country—all earthly things above—
Entire and whole and perfect, the service of my love—
The love that asks no question ; the love that stands the test,
That lays upon the altar the dearest and the best ;
The love that never falters, the love that pays the price,
The love that makes undaunted the final sacrifice.

And there's another country, I've heard of long ago—
Most dear to them that love her, most great to them that know.
We may not count her armies ; we may not see her King ;
Her fortress is a faithful heart, her pride is suffering ;
And soul by soul and silently, her shining bounds increase,
And her ways are ways of gentleness, and all her paths are Peace.¹

¹ Written at Washington, January 12, 1918. Spring-Rice died on February 14 of the same year. The poem is printed in *Cecil Spring-Rice, in Memoriam*, by Valentine Chirol (1919), p. 2.

Spring-Rice died of the same noble strain and overwork which killed his colleague in British-American diplomacy, Page. His work was, from the nature of things, mainly connected with the European War. In direct British-American relations he had one crowning success : on September 5, 1914, he signed, along with Mr. Bryan, a "Treaty for the Advancement of General Peace." By this Act

the High Contracting Parties [Great Britain and the United States] agree that all disputes between them, of every nature whatsoever, other than disputes the settlement of which is provided for and in fact achieved under existing agreements between the High Contracting Parties, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a Permanent International Commission : . . . And they are not to declare war or begin hostilities during such investigation and before the report is submitted.¹

Walter Hines Page, undoubtedly the most beautiful character that the story of our common British-American relations displays, one of those rare spirits who in the most poignant tragedies of human history show themselves only more shining and steadfast, was not bred to his high diplomatic calling. Born in North Carolina in 1855, he passed the most crucial years of his boyhood amid scenes of the Civil War. "The awful slaughter began and darkened our childhood" (so he wrote later), "and put all our best men where they would see the sun no more." Some of his earliest recollections were of coffins coming into the village bringing dead soldiers to their first and last resting-place, and of women sewing garments for the army. He saw Sherman's army looting and destroying on its march from Atlanta to the sea. He also received other impressions than those of death and destruction, for he saw and remembered how the country recovered from the devastation of war through "the eternal blooming of childhood and of nature."²

In those days, in the period following the Civil War, the Southerners held themselves to possess "an air of distinction that doesn't appear north of Mason and Dixon's Line." They believed in the study of Greek and Latin, a knowledge of which "still made its possessor a person of consideration."

Page went to Randolph Macon College, and subsequently to the

¹ Full text in *Foreign Relations of the United States*, 1914. Ratifications were exchanged at Washington on November 10, 1914. Article III prescribes the constitution of the International Commission.

² See *The Life and Letters of Walter H. Page*, by Burton J. Hendrick (1922), I, 13.

newly founded Johns Hopkins University, at Baltimore, and attained such distinction as to be offered the Chair of Greek at the University of North Carolina. He preferred, however, the career of a journalist.

Here, in a quiet way, he made a name and a living, and had a wholesome influence in public affairs. He belonged to the old-fashioned school, writing chiefly for reviews and serious magazines, although he had considerable experience of newspaper work too. It was while engaged in journalism in Atlanta City during the year 1880 that he made the acquaintance of a briefless lawyer, Woodrow Wilson, who was using his spare time to write a book on *Congressional Government*. Page (like Wilson) was a Democrat, and his writings in the reviews and journals contributed to the revival of the Democratic Party after the reconstruction period following the Civil War. The reduction of the tariff and an active foreign policy were among the things which he advocated.

In 1887 Page became the editor of the *Forum*, a review designed by its proprietors—a group of public-spirited New York gentlemen—to be for the United States what the *Fortnightly* or *Contemporary* reviews were for Great Britain. In 1895 he became editor of the *Atlantic Monthly*, thus succeeding to the chair which had been occupied by James Russell Lowell, William D. Howells, and Thomas Bailey Aldrich. He had reached the top of his profession at the age of forty. In 1900 he founded the *World's Work*, with the deliberate aim of expressing and leading the high democratic ideal of the United States; and he continued to be editor of this review until in March, 1913, President Wilson made him Ambassador to the Court of St. James. He arrived in London on May 24.

Active, devoted to the public good though he was, Page was not expected to become one of the world's most moving statesmen. A keen-sighted editor, a witty, humorous writer, a generous friend, a student of public affairs, he was like some dozens, perhaps some hundreds, of men on both sides of the Atlantic. The *New York Times*, commenting on his appointment, said he was a capable man, but could not be expected to represent the United States, "in the broad sense" as Choate, Hay, Bayard, and Lowell had done.¹

It was the London Mission that brought out his great qualities. He accepted the Ambassadorship as the real chance of his life, and with all the passionate ardour of his Southerner's soul he gave

¹ Quoted in *The Times*, April 2, 1913, p. 5.

without stint. Common sense, industry, energy, knowledge of men and affairs, the naturalness of a true gentleman, made him a good diplomatist from the start ; and the crisis which, almost from the time of his landing, he felt pulsating through the airs of old Europe called forth the essential grandeur of the man.

In those days the business of the United States Embassy was somewhat simply managed. The Ambassador had no official residence. Whitelaw Reid, who was fortunately wealthy, had upheld the dignity of his country by renting the magnificent mansion of Dorchester House and dispensing sumptuous hospitality there. Page at first took rooms in the Coburg Hotel, Bayswater. There was a permanent Chancery, for the routine business of the Embassy, in Westminster, about which Page wrote :

The moment I entered that dark and dingy hall at 123, Victoria Street, between two cheap stores—the same entrance that dwellers in the cheap flats above used—I knew that Uncle Sam had no fit dwelling there. And the Ambassador's room greatly depressed me—dingy, with twenty-nine years of dirt and darkness, and utterly undignified. . . . I did not understand then, and I do not understand yet, how Lowell, Bayard, Phelps, Hay, Choate and Reid endured that cheap hole.¹

After a year Page had the Chancery removed to Number 4, Grosvenor Gardens, where it still is. For his Embassy, he rented No. 6, Grosvenor Square, a dignified dwelling, if not so splendid as Dorchester House. The Ambassador and Mrs. Page entertained handsomely, keeping a large staff of servants, and spending all their savings. Nothing could induce him, wrote Page later, to tell what it cost him.

Page enormously enjoyed the peaceful period before the war, and he entered into the life of Great Britain with the keenest zest. Coming without any special regard for the British people, indeed with a little democratic contempt for their "stuck-up" ways, he soon grew to like them. They have the "high art of living," he said.

I can't see that the race is breaking down or giving out. Consider how their political morals have been pulled up since the days of the rotten boroughs ; consider how their court life is now high and decent, and think what it once was. British trade is larger this year than ever it was, Englishmen are richer than they ever were and more of them are rich. They write and speak and play cricket, and govern and fight as

¹ *The Life of Page*, I, 134.

well as they have ever done—excepting, of course, the writing of Shakespeare.¹

He frankly liked the highly placed society in which he chiefly moved, and found the company of lords and their ladies interesting. "The really alert people are the aristocracy," he wrote. He paid generous tribute to the genuineness of the courtesy, to the real kindness and hospitality, of the English, as being "beyond praise and beyond limit." At the same time he criticised what he called their "unctuous rectitude in stealing continents. . . . I guess" (he wrote), "they really believe that the earth belongs to them."

Actually (in Page's view) it was to the people of the United States, not to the British, that the earth was to belong.

The future of the world belongs to us. These English are spending their capital. . . . Now, what are we going to do with the leadership of the world presently when it clearly falls into our hands? And how can we use the British for the highest uses of democracy?

This was the problem that bulked largest in Page's mind. He was sure that the leadership of the world was going to fall to the United States. He never contemplated whether she might refuse it; he was only anxious that the Americans should avail themselves of the services of the still splendid, although not predominant, British people, in friendly co-operation for the good of the world. He had no doubt that the British would do their part:

Whenever we choose to assume the leadership of the world, they'll grant it—gradually—and follow loyally. They cannot become French, and they dislike the Germans.²

The Old World, Page believed, would require all the help of the combined English-speaking race; "the over-taxed, under-productive, army-burdened men of the Old World—alas! I read a settled melancholy in much of their statesmanship and more of their literature." He saw, and like John Hay gloried in the fact, that the United States was "in the international game—not in its Old World intrigues and burdens and sorrows and melancholy, but in the inevitable way to leadership and to cheerful mastery in the future; and everybody knows that we are in it but us."

Page knew the risks which he and his fellow-diplomatists were handling or mishandling. In 1913, during the Balkan War,

¹ To Herbert S. Houston, August 24, 1913 (*Life of Page*, I, 139-40).

² To President Wilson, May 11, 1914.

in order to give Sir Edward Grey (who was already his friend) "a shock," he asked what would happen if the foreign offices of the world ceased to function. The Secretary of State thought for a minute and then said: "Suppose war kept on in the Balkans, the Russians killed all their Jews, Germany took Holland and sent an air-fleet over London, the Japanese landed in California, the English took all the oil-wells in Central and South America and——" "Good Lord!" cried Page, "do you and I really prevent all these calamities?"

Page was quite serious: "The realness and bigness of the job here in London is simply oppressive," he wrote on December 28, 1913.¹ But he was not without strong grounds for hope. The United States with Great Britain could settle, or greatly help to settle, the troubles of the world, if the American people only would make up their minds:

We're very much "in," but not frankly in. . . . The English and the whole English world are ours, if we have the courtesy to take them—fleet and trade and all; and we go on pretending we are afraid of "entangling alliances." What about *disentangling alliances*?²

Such were the views of Page when the Great War broke out.

In the year before the war, Page got rid of the last difficulties that stood in the way of frank co-operation between Great Britain and the United States. One difficulty was with regard to Mexico, the other was the Panama Canal tolls.

The long rule of the able and draconian Diaz in Mexico ended with the revolution of Francisco Madero in 1910. In his turn Madero, a well-meaning Liberal of inferior ability, was displaced by one of his Generals, Victoriano Huerta, who turned traitor to him. The natural result of this was the murder of Madero (February, 1913). Huerta, a regular soldier, powerful, passionate, courageous, seemed to offer possibilities of settled, if not democratic, government in Mexico. For this reason Great Britain and other Powers "recognized" the rule of Huerta, but the United States absolutely declined to do so. President Wilson would have no traffic with that blood-stained dictator. The divergence between the policy of Great Britain and the United States became almost serious. The United States greatly resented the conduct of the British diplomatic agent in

¹ To Frank N. Doubleday (*The Life of Page*, I, 166).

² To David F. Houston (undated, probably December, 1913). *The Life of Page*, I, 152.

Mexico, Sir Lionel Carden. The State Department complained that he was working against the United States' interests and policy. It is impossible in the present state of evidence to ascertain the truth of the Carden incident. The Foreign Office defended his actions. Page was convinced that the British agent was to blame. The incident was terminated by the Foreign Office withdrawing Carden from Mexico. For some reason or other he was a marked man in American eyes. Secretary of State Knox had protested against his "anti-Americanism" at Cuba two years previously. Now when he was withdrawn from Mexico, Colonel House wrote: "It is fine about Carden. . . . You could not have brought it about in a more diplomatic and effectual way."¹

Huerta had embroiled himself more and more with President Wilson, and finally provoked a temporary occupation of Vera Cruz by United States marines and sailors in April, 1914. As his political situation was becoming quite untenable, Huerta resigned his dictatorship (or presidency) in July, 1914. He was succeeded by a chief of the former Madero party, Venustiano Carranza, of whom the United States approved, and to whom the British Government did not object. So Mexico ceased to ruffle the relations between the Foreign Office and the State Department.

If Sir Edward Grey was gracefully conciliatory towards the United States over the Carden affair, President Wilson was equally so with regard to the Panama Canal tolls. Over this affair the controversy went on almost to the eve of the war, until June, 1914. Page had no doubt that the British Government's view concerning the letter and spirit of the Hay-Pauncefote Treaty was absolutely correct, and that the United States Government could not charge different tolls to its subjects from those which it charged to the nationals of other countries. "We are dead wrong in that, as we are dead right on the Mexican matter," he wrote to Colonel House, on November 2, 1913. A letter which has since been published, written by Secretary of State Hay actually while he was negotiating the suppression of the Clayton-Bulwer Treaty and the enactment of the Hay-Pauncefote Treaty, proves that the interpretation of the Foreign Office was correct. Writing on March 28, 1901, to his friend Senator Lodge, Hay said: "I think we could ratify a treaty which abrogated and superseded the Treaty of 1850, and which agreed that the United States would maintain and defend the Canal, and keep it open for

¹ *The Life of Page*, I, 220.

the commerce of all nations, *at the same rates of toll which were imposed on vessels of the United States.*"¹

President Wilson, without admitting that Mr. Taft's view of article III of the Hay-Pauncefote Treaty was wrong, was nevertheless ready to waive the American claim, in order to satisfy Great Britain and in order to remove the slightest suspicion of bad faith from the United States. But Congress seemed determined to enforce differential tolls in order to afford advantage and protection to American shipping. Senator Lodge, however, the powerful chairman of the Senate Committee on Foreign Relations (usually a severe critic of Great Britain), supported the President's policy, and gave his influence on behalf of the repeal of section 5 of the Taft Act. "Largely through the energy of Senator Root, a sentiment was created in favour of the repeal of this section of the Act, which gained irresistible momentum by President Wilson's advocacy of this measure."² In the Message in which Mr. Wilson in person asked Congress to consent to the repeal the great President first showed that blending of idealism and practicality which was to be the strength of his statesmanship. Referring to the proposed privilege to coast-wise shipping (which he now thought to be against the Treaty), he said :

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the Canal concluded on November 18, 1901. But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty : its language we accepted, if we did not originate it ; and we are too big, too powerful, too self-respecting a nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

¹ Not italicised in the original. Text in Thayer, *Life and Letters of John Hay*, II, 260.

² *President Wilson's Foreign Policy*, by James Brown Scott (1918), p. 31.

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.¹

Thus the last problem in Anglo-American diplomacy was solved just before the guns began to boom across the Danube.

In the early summer Mr. Wilson, as if perceiving the imminence of a world war, had made an earnest attempt to forestall European hostilities by a pact of disarmament or non-aggression. It was to this that Mr. Wilson guardedly referred when he spoke of "other matters of even greater delicacy." The man whom the President encharged with the task of trying to keep peace in Europe was Colonel House.

Edward Mandell House was born at Houston, Texas, in 1858. His father was a wealthy banker, and the young House received a good education in the Eastern States, ending with the University of Cornell. After this he did not seek to increase his modest wealth (his father had seven children) either by entering business or standing for public office. Yet he became enormously influential in his native State of Texas, and, after his friend Wilson became President, in America at large. It is not too much to call him Wilson's constant adviser and right-hand man, although he never held any office. His sole reward was the honorary style of Colonel: after this he "spent the better part of a lifetime attempting to rid himself of his military title, but uselessly."² He became the "mysterious Texan" of American politics, but he is merely a hard-working, broad-minded citizen whose ambition for the public good takes the form of keeping his hands free, and of working by personal contact, not by administration or legislation.³

In the autumn of 1913, Sir William Tyrrell, a high official of the Foreign Office, and private secretary to Sir Edward Grey, had paid a friendly visit to Washington as the guest of the British Ambassador, Cecil Spring-Rice. He had conversations with Wilson, Bryan, and House, chiefly on the Mexican question, but also on the European situation. House appreciated the sincerity of the British Government in its peace policy, and he took Sir William Tyrrell's advice on

¹ Complete text in *President Wilson's Foreign Policy*, pp. 31-2.

² *Life of Page*, I, 291.

³ See *The Real Colonel House*, by A. D. Howdon Smith (undated), especially chaps. III and XXV.

the subject of his coming visit to Europe. Tyrrell suggested that House should go direct to Germany.¹ House did so at the end of May, 1914, but made no headway at Berlin. There was, apparently, no sympathy for President Wilson's idea of an international compact between the United States, Great Britain, and Germany for reducing armaments.

The American came away from Berlin with the conviction that the most powerful force in Germany was the militaristic clique, and, second, the Hohenzollern dynasty. He has always insisted that this represented the real precedence in power. So long as the Kaiser was obedient to the will of militarism, so long could he maintain his standing. He was confident, however, that the militaristic oligarchy was determined to have its will, and would dethrone the Kaiser the moment he showed indications of taking a course that would lead to peace. Colonel House was also convinced that this militaristic oligarchy was determined on war.²

At the beginning of June, House came to London, and spoke with Asquith, Grey, and Lloyd George. "The difficulty, however, was that none of these men apprehended an immediate war." He could not get them to move quickly, although it is difficult to see what they could have done. They had already made all the obvious moves in the direction of peace by Lord Haldane's Berlin Mission in 1912, and Mr. Churchill's proposal for a naval holiday in the same year—a proposal which was still open. Before he left London, House lunched with Grey, Tyrrell, and Page at the American Embassy.

"I feel as though I had been living near a mighty electric dynamo," Colonel House told his friends. "The whole of Germany is charged with electricity. Everybody's nerves are tense. It needs only a spark to set the whole thing off."

The "spark" came two weeks afterward with the assassination of the Archduke Ferdinand.³

Four years later a bowed figure with the shadow of death on his countenance stepped from the gangway on to the deck of the *Olympic*, bound for New York, happy in the knowledge that his country was in the battle. It was the American Ambassador. British Cabinet Ministers had seen him off at Waterloo. "They all stood with uncovered heads as the train slowly pulled out of the station, and caught their final glimpse of Page as he smiled at them and faintly waved his hand."

¹ *Life of Page*, I, 289.

² *Ibid.*, I, 295-6.

³ *Ibid.*, I, 299.

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